

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JODI M GLASGOW
Claimant

APPEAL 22A-UI-09389-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code §96.3(7) – Overpayment of Benefits – Lost Wages Assistance (LWA)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 6, 2022 (reference 02) unemployment insurance decision that found claimant was overpaid LWA benefits of \$1,200.00 for the weeks between July 26, 2020 and August 29, 2020 because she failed to correctly report wages earned with Artistic Cleaners Inc. The claimant was properly notified of the hearing. A telephone hearing was held on May 27, 2022. The claimant participated personally. Victor Helling, President of Artistic Cleaners Inc., participated as a witness. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-09388-DB-T.

ISSUE:

Is the claimant overpaid LWA benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits with an effective date of March 15, 2020. Her established weekly-benefit amount was \$335.00.

An unemployment insurance benefits decision was issued on April 6, 2022 (reference 01) stating that the claimant was not eligible for benefits and was overpaid benefits for the week ending August 1, 2020; August 15, 2020; August 22, 2020; and August 29, 2020. That decision was affirmed in Appeal No. 22A-UI-09388-DB-T.

Claimant was also paid Lost Wages Assistance benefits during the weeks of July 26, 2020 through August 29, 2020 at the rate of \$300.00 per week (except there was no payment for the week-ending August 8, 2020). The total amount of LWA benefits paid was \$1,200.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, **even though the individual acts in good faith and is not otherwise at fault**, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

(emphasis added).

On August 8, 2020, President Trump issued a memorandum to provide additional financial assistance to those individuals receiving unemployment benefits that met the eligibility requirements of the program through a grant from FEMA. The Lost Wages Assistance (LWA) program required claimants to be eligible for a weekly benefit amount of at least \$100.00 and the LWA payment was made to claimants in combination with a payment of at least \$1.00 in benefits stemming from either State of Iowa funded unemployment insurance benefits, Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits program, Pandemic Unemployment Assistance (PUA) program, Extended Benefits program, Voluntary Shared Work program, Short Term Compensation program, or Trade Act benefits program. The weekly benefit amount of the LWA program was \$300.00 and it ran from July 26, 2020 through September 5, 2020.

In this case, the claimant received LWA benefits from July 26, 2020 through August 29, 2020 (except the week-ending August 8, 2020) because at that time there was no disqualifying decision that found she was not eligible for the regular unemployment insurance benefits funded by the State of Iowa. The LWA benefits were paid in conjunction with and based upon her eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision stating she had excess wage earnings, she was not eligible for the supplemental LWA benefits. Because the claimant has not been found eligible for PUA benefits, or any other qualifying program in which LWA benefits would be paid in conjunction with, the claimant has been overpaid LWA benefits in the amount of \$1,200.00 for the weeks between July 26, 2020 and August 29, 2020.

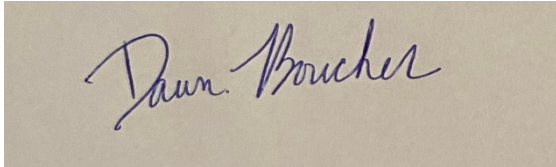
The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

Iowa Workforce Development
Overpayment Waiver Request
1000 East Grand Avenue
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

DECISION:

The April 6, 2022 (reference 02) decision is affirmed. Claimant is overpaid LWA benefits of \$1,200.00 for the weeks between July 26, 2020 and August 29, 2020. The overpayment of benefits shall be paid to the agency unless a waiver is requested and granted.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style.

Dawn Boucher
Administrative Law Judge

June 1, 2022
Decision Dated and Mailed

db/db