

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW J EDWARDS
Claimant

APPEAL 21A-UI-24985-AW-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/29/19
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Payment – Overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the October 21, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid Lost Wages Assistance (LWA) benefits. A telephone hearing was scheduled for January 7, 2022. Claimant waived ten days' notice and consented to consolidating the appeal with appeals 21A-UI-24580-AW-T, 21A-UI-24582-AW-T, and 21A-UI-24584-AW-T. The hearing was held on January 4, 2022. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid LWA benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

On January 15, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant PEUC benefits effective October 4, 2020. That decision has been affirmed (see appeal 21A-UI-24580-AW-T).

Claimant received Pandemic Emergency Unemployment Compensation (PEUC) benefits for the four-week period between October 4, 2020 and October 31, 2020. Claimant received no LWA benefits for that period.

On October 21, 2021, IWD issued a decision (reference 04) finding claimant was overpaid LWA in the amount of \$900.00 for the three-week period between July 26, 2020 and August 15, 2020 as a result of the decision denying PEUC benefits effective October 4, 2020.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.3(7) states:

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.

Claimant was denied PEUC effective October 4, 2020. Claimant did not receive LWA benefits associated with PEUC benefits after October 4, 2020. Therefore, claimant has not been overpaid LWA benefits.

DECISION:

The October 21, 2021 (reference 04) unemployment insurance decision is reversed. Claimant has not been overpaid LWA as outlined above.



Adrienne C. Williamson
Administrative Law Judge
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January 27th, 2022
Decision Dated and Mailed

acw/ACW