

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MINDY M STEWART
Claimant

APPEAL NO. 21A-UI-22116-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment – Lost Wages Assistance Program

STATEMENT OF THE CASE:

On October 1, 2021, the claimant Mindy M. Stewart appealed the September 27, 2020, (reference 09) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$300.00 for the one-week period ending August 1, 2020. The parties were properly notified of the hearing. A telephonic hearing was held at 3:00 p.m. on Monday, December 20, 2021. Appeal numbers 21A-UI-22108-LJ-T, 21A-UI-22109-LJ-T, 21A-UI-22110-LJ-T, 21A-UI-22111-LJ-T, 21A-UI-22112-LJ-T, 21A-UI-22113-LJ-T, 21A-UI-22114-LJ-T, 21A-UI-22115-LJ-T, and 21A-UI-22116-LJ-T were heard together and created one record. The claimant, Mindy M. Stewart, participated. The employer, Party City Corporation, did not appear for the hearing and did not participate. The administrative law judge took official notice of the administrative record, including all of the unemployment insurance decisions that were sent to the claimant’s address of record.

ISSUE:

Is the claimant overpaid LWAP benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received LWAP benefits in the gross amount of \$300.00 for the one-week period ending August 1, 2020. On November 12, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed. See 21A-UI-22108-LJ-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

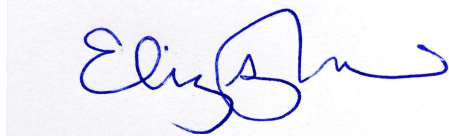
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for regular UI benefits, claimant is also not eligible for LWAP benefits. Therefore, the claimant has received LWAP benefits to which they were not entitled. The administrative law judge concludes that the claimant has been overpaid LWAP benefits in the amount outlined in the findings of fact above. Claimant is obligated to repay the LWAP benefits unless repayment of this obligation is waived. Instructions on how to apply for a waiver are found below.

DECISION:

The September 27, 2021 (reference 09) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$300.00, which must be repaid.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 28, 2021
Decision Dated and Mailed

lj/lj

NOTE TO CLAIMANT:

- This decision determines you have been overpaid FPUC benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- You may also request a waiver of this overpayment. The written request must include the following information:
 1. Claimant name & address.
 2. Decision number/date of decision.
 3. Dollar amount of overpayment requested for waiver.
 4. Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319
- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.