

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHNATHAN LEWIS
Claimant

APPEAL 21A-UI-22170-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/31/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On October 6, 2021, the claimant/appellant appealed the September 30, 2021, (reference 05) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$300.00 for the 1-week period ending September 5, 2020. A telephone hearing was held on November 30, 2021. The hearing was held together with appeals 21A-UI-22169-CS-T and combined into one record. The claimant participated. The administrative law judge took official notice of the administrative 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 did not receive LWAP benefits of \$300.00 for week ending September 5, 2020.

On December 8, 2020, (reference 02) unemployment insurance decision was issued that concluded claimant was not eligible for weeks between successive years or terms with an educational institution. On January 8, 2021 (reference 03) decision was issued and it amended the reference 02 decision. Claimant appealed reference 03 decision. On March 25, 2021, an administrative law judge in appeal 21A-UI-03451-JC-T modified the reference 03 decision and found the claimant did not have reasonable assurance and the claimant was permanently laid off. The administrative law judge found claimant was entitled to benefits. This decision is now final.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has NOT 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 claimant did not receive LWAP benefits for week ending September 5, 2020. Since the claimant did not receive the benefits, he is not required to repay them. Additionally, if the claimant would have received the benefits, he would not be required to repay them because he was entitled to benefits for the week ending September 5, 2020, due to the decision in appeal 21A-UI-03451-JC-T.

DECISION:

The September 30, 2021 (reference 05) decision is REVERSED. Claimant has NOT been overpaid LWAP benefits in the amount of \$300.00. Claimant does not have to repay these benefits.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

January 4, 2022
Decision Dated and Mailed

cs/kmj