

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KAYLA S PARKER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 22R-UI-03844-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On February 3, 2021, the claimant Kayla Parker, appealed the September 3, 2021, (reference 10) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$1,800.00 for the 6-week period ending September 5, 2020. A telephone hearing was held on March 15, 2022, pursuant to due notice and was consolidated with the hearing 22R-UI-03836-ED-T, 22R-UI-03837-ED-T, 22R-UI-03838-ED-T, 22R-UI-03839-ED-T, 22R-UI-03840-ED-T, 22R-UI-03841-ED-T, 22R-UI-03843-ED-T. The claimant, Kayla Parker, participated. No exhibits were offered or admitted. 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 filed for and has received LWAP benefits in the gross amount of \$1,800.00 for the 6-week period ending September 5, 2020. On October 16, 2020, Iowa Workforce Development (IWD) issued a decision (reference 03) that denied claimant UI benefits. That decision has been affirmed. See 22R-UI-03836-ED-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.

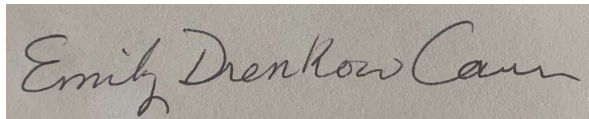
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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 3, 2021, (reference 10) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$1,800.00, which must be repaid.

A handwritten signature in cursive script, reading "Emily Drenkow Carr", is written on a light-colored, textured rectangular background.

Emily Drenkow Carr
Administrative Law Judge

March 31, 2022
Decision Dated and Mailed

ed/kmj

NOTE TO CLAIMANT:

- This decision determines you have been overpaid LWAP 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.