

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KYLE RUSE
Claimant

APPEAL 21A-UI-23549-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/24/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the October 14, 2021 (reference 05) unemployment insurance decision that found claimant was overpaid LWA benefits in the amount of \$1,800.00 for the period between July 26, 2020 and September 5, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on December 15, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. This hearing was consolidated with Appeal No. 21A-UI-23544-DB-T; 21A-UI-23545-DB-T; and 23547-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 effective May 24, 2020. An unemployment insurance decision was issued on January 4, 2021 (reference 01) that found he was not eligible for benefits effective May 24, 2020. That decision was reversed in Appeal No. 21A-UI-23544-DB-T. The overpayment issue in this case was created by a disqualification decision that has been reversed on appeal. Claimant's administrative records establish that this decision issued on October 14, 2021 (reference 05) was found to be null and void in an unemployment insurance decision issued on October 21, 2021 (reference 09).

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

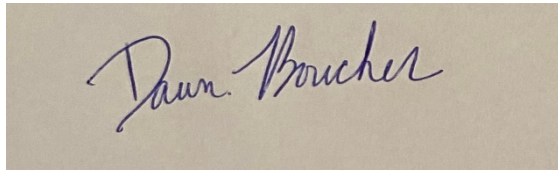
7. Recovery of overpayment of benefits.

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.

The administrative law judge concludes that the claimant has not been overpaid LWA benefits in the amount of \$1,800.00 for the weeks between July 26, 2020 and September 5, 2020 as the disqualification decision that created the overpayment has been reversed. See Appeal No. 21A-UI-23544-DB-T.

DECISION:

The October 14, 2021 (reference 05) unemployment insurance decision is reversed. The claimant has not been overpaid LWA benefits in the amount of \$1,800.00 for the period between July 26, 2020 and September 5, 2020 as the disqualification decision that created the overpayment has been reversed.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

December 27, 2021
Decision Dated and Mailed

db/db