

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALLIE J FAIRCLOTH
Claimant

APPEAL NO. 21A-UI-17361-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/24/19
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment, Lost Wages Assistance Payments

STATEMENT OF THE CASE:

The claimant, Allie Faircloth, filed a timely appeal from the July 28, 2021, reference 06, decision that held she was overpaid \$300.00 in Lost Wages Assistance Payments (LWAP) for the week that ended August 1, 2020, due to an earlier decision that denied benefits for the affected period. After due notice was issued, a hearing was held on October 1, 2021. Claimant participated. There were four appeal Numbers set for a consolidated hearing: 21A-UI-17358-JT-T, 21A-UI-17359-JT-T, 21A-UI-17360-JT-T and 21A-UI-17361-JT-T. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX and KLOG.

ISSUE:

Whether the claimant was overpaid \$300.00 in Lost Wages Assistance Payments (LWAP) for the week that ended August 1, 2020, due to an earlier decision that denied benefits for the affected period.

FINDINGS OF FACT:

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

The claimant established an original claim for benefits that was effective November 24, 2019 and an “additional claim” that was effective May 3, 2020. In connection with the additional claim for benefits, the claimant received \$4,485.00 in Pandemic Emergency Unemployment Compensation (PEUC) benefits for the 13 weeks between May 3, 2020 and August 1, 2020. The claimant also received \$7,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the 12 weeks between May 3, 2020 and July 25, 2020. The claimant also received \$300.00 in Lost Wages Assistance Payments (LWAP) for the week that ended August 1, 2020.

On September 4, 2020, an Iowa Workforce Development Benefits Bureau deputy entered the reference 02 decision that disqualified the claimant for benefits, based on the deputy’s conclusion that the claimant voluntarily quit employment with Manatt’s Inc. on April 30, 2020 without good cause attributable to that employer. The reference 02 disqualification prompted

the overpayment decision from which the claimant appeals in the present matter. The reference 02 disqualification decision has been approved in Appeal Number 21A-UI-17358-JT-T

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

Because the reference 02 decision disqualified the claimant for benefits, and because the reference 02 decision has been affirmed on appeal, the \$300.00 in LWAP benefits that the claimant received for the week ending August 1, 2020 is an overpayment of benefits. The claimant must repay the overpaid LWAP benefits.

DECISION:

The July 28, 2021, reference 06, decision is affirmed. The claimant was overpaid \$300.00 in LWAP benefits for the week that August 1, 2020. The claimant must repay the overpaid LWAP benefits.



James E. Timberland
Administrative Law Judge

November 29, 2021
Decision Dated and Mailed

jet/kmj