

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KEVIN ARGUETA
Claimant

APPEAL 21A-UI-18818-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/05/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On August 26,, 2021 the claimant Kevin Argueta appealed the August 19, 2021, (reference 06) decision that concluded the claimant was overpaid Lost Wages Assistance Program (LWAP) benefits. A telephone hearing was held on October 19, 2021, pursuant to due notice, and was consolidated with the hearing for appeals 21A-UI-18812-S2-T, 21A-UI-18813-S2-T, 21A-UI-18814-S2-T, 21A-UI-18815-S2-T, and 21A-UI-18817-S2-T. The claimant participated personally. 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: On September 29, 2020, Iowa Workforce Development (IWD) issued a decision (reference 02) that denied claimant regular state unemployment insurance (UI) benefits. That decision has been affirmed. See 21A-UI-18813-S2-T. Claimant has received LWAP benefits in the gross amount of \$1,800.00 for the six-week period ending September 5, 2021.

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

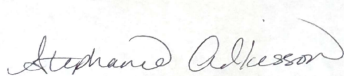
discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

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, he 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, and those benefits must be repaid.

DECISION:

The August 19, 2021 (reference 06) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$1,800.00, which must be repaid.



Stephanie Adkisson
Administrative Law Judge
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October 28, 2021
Decision Dated and Mailed

sa/kmj