

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BRADY L WEE
305 N OCHEYEDAN ST
EVERLY IA 51338-1101**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 21A-UI-19401-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

APPEAL RIGHTS:

This Decision Shall Become Final, unless within fifteen (15) days from the mailing date below the administrative law judge's signature on the last page of the decision, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

***Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
or
Fax (515) 281-7191***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

The name, address and social security number of the claimant.

A reference to the decision from which the appeal is taken.

That an appeal from such decision is being made and such appeal is signed.

The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

ONLINE RESOURCES:

UI law and administrative rules:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-law-and-administrative-rules>

UI Benefits Handbook:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-claimant-handbook>

Employer UI Handbook: <https://www.iowaworkforcedevelopment.gov/employer-handbook>

Report UI fraud: <https://www.iowaworkforcedevelopment.gov/report-fraud>

Employer account access and information: <https://www.myiowaui.org/UIIPTaxWeb/>

National Career Readiness Certificate and Skilled Iowa Initiative: <http://skillediowa.org/>

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRADY L WEE
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 21A-UI-19401-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 24, 2021 (reference 05) unemployment insurance decision that found claimant was overpaid LWA benefits in the amount of \$1,800.00 for six weeks ending September 5, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 25, 2021. The claimant participated personally. Claimant's Exhibit A was admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-19398-DB-T; 21A-UI-19399-DB-T; 21A-UI-19400-DB-T; and 21A-DUA-01808-DB-T.

ISSUE:

Is the claimant overpaid LWA benefits of \$1,800.00 for six weeks ending September 5, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of March 29, 2020. His established weekly benefit amount was \$472.00. He was paid regular unemployment insurance benefits funded by the State of Iowa from May 10, 2020 through October 3, 2020 in the amount of \$9,912.00. He was paid FPUC benefits of \$6,600.00 for eleven weeks ending July 25, 2020. He was paid LWA benefits of \$1,800.00 for the six weeks between July 26, 2020 and September 5, 2020.

Iowa Workforce Development issued a decision dated October 9, 2020 (reference 02) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to his voluntary quitting of work on May 11, 2020. That decision was appealed and affirmed in Appeal No. 21A-UI-19398-DB-T.

Claimant filed an application for Federal Pandemic Unemployment Assistance (PUA) benefits and a decision finding that he was not eligible for Federal PUA benefits was issued on November 2, 2020. Claimant filed an appeal to that decision and it was affirmed in Appeal No. 21A-DUA-01808-DB-T.

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.

(emphasis added).

On August 8, 2020, President Trump issued a memorandum to provide additional financial assistance to those individuals receiving unemployment benefits that met the eligibility requirements of the program through a grant from FEMA. The Lost Wages Assistance (LWA) program required claimants to be eligible for a weekly benefit amount of at least \$100.00 and the LWA payment was made to claimants in combination with a payment of at least \$1.00 in benefits stemming from either State of Iowa funded unemployment insurance benefits, Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits program, Pandemic Unemployment Assistance (PUA) program, Extended Benefits program, Voluntary Shared Work program, Short Term Compensation program, or Trade Act benefits program. The weekly benefit amount of the LWA program was \$300.00 and it ran from July 26, 2020 through September 5, 2020.

In this case, the claimant received LWA benefits from July 26, 2020 through September 5, 2020 because at that time there was no disqualifying decision that found he was not eligible for the regular unemployment insurance benefits funded by the State of Iowa. The LWA benefits were paid in conjunction with and based upon his eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision issued on October 9, 2020 (reference 02) and affirmed in Appeal No. 21A-UI-19398-DB-T, he was no longer eligible for LWA benefits. Because the claimant has not been found eligible for PUA benefits, or any other qualifying program in which LWA benefits would be paid in conjunction with, the claimant has been overpaid LWA benefits in the amount of \$1,800.00 for six weeks between July 26, 2020 and September 5, 2020.

The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

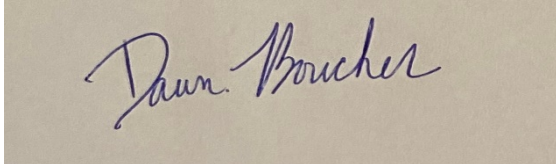
Iowa Workforce Development
Overpayment Waiver Request
1000 East Grand Avenue
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all

relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

DECISION:

The August 24, 2021 (reference 05) unemployment insurance decision is affirmed. The claimant was overpaid LWA benefits in the amount of \$1,800.00 for six weeks ending September 5, 2020.



Dawn Boucher
Administrative Law Judge

November 4, 2021
Decision Dated and Mailed

db/kmj