

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERICA BENGE
Claimant

APPEAL 21A-UI-25008-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/26/20
Claimant: Appellant (1)

Iowa Code § 96.7(3) –Lost Wages Assistance (LWA)
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant/appellant, Erica Benge, filed an appeal from the November 2, 2021 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that established an overpayment of LWA benefits. After proper notice, a telephone hearing was held together with Appeal 25006-JC-T and Appeal 25007-JC-T. A telephone hearing was held on January 10, 2021. The claimant participated. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision. Department Exhibit D-1 was admitted.

ISSUE:

Is the claimant overpaid LWA benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of July 26, 2020.

The claimant filed for and received a total of \$605.00 in regular, state unemployment insurance benefits for the weeks between July 26, 2020 and August 29, 2020. Claimant also a supplemental payment of Lost Wages Assistance (LWA) benefits each week in the amount of \$300.00. Claimant received a total of \$1,200.00 in LWA benefits between July 26, 2020 and August 29, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-25006-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid LWA benefits.

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.

Since the decision disqualifying the claimant has been affirmed, she was overpaid \$1,200.00 in LWA benefits. ((See *Iowa Code § 96.7(3)* and *August 8, 2020 Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019*), *The Continued Assistance for Unemployed Workers Act of 2020*).

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.

Additionally, instructions for requesting a waiver of this overpayment can be found 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.

DECISION:

The November 2, 2021 (reference 03) initial decision is affirmed. The claimant is overpaid \$1,200.00 benefits.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 16, 2022
Decision Dated and Mailed

jlb/mh

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance 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.

Individuals who do not qualify for regular unemployment insurance benefits and were unemployed between February 2, 2020, and June 12, 2021 for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** To apply for PUA go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals> and click the link in the last paragraph under "WHAT TO EXPECT FROM THE HEARING." **The authorization number is 1 , the pin number you used for the hearing.**