

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**STEVE G THOMAS**  
Claimant

**APPEAL NO. 22A-UI-07061-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/26/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On March 11, 2022, Steve Thomas (claimant) filed a timely appeal from the March 2, 2022 (reference 05) decision that held the claimant was overpaid \$1,800.00 in Lost Wages Assistance Payments (LWAP) for six weeks between July 26, 2020 and September 5, 2020, due to the March 3, 2021 decision that denied benefits. After due notice was issued, a hearing was held on May 5, 2022. Claimant participated. There were five appeal numbers set for a consolidated hearing: 22A-UI-07054-JT-T, 22A-UI-07055-JT-T and 22A-UI-07057-JT-T, 22A-UI-07060-JT-T and 22A-UI-07061-JT-T. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPYX, KCCO, KFFV, WAGE-A, WAGE-B, and the reference 01, 02 and 03 decisions. The administrative law judge also took official notice that there was no application for Pandemic Unemployment Assistance (PUA) and no decision entered regarding PUA.

**ISSUE:**

Whether the claimant was overpaid \$1,800.00 in Lost Wages Assistance Payments (LWAP) for six weeks between July 26, 2020 and September 5, 2020, due to the March 3, 2021 decision that denied benefits.

**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 April 26, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$390.00. The claimant received \$7,281.32 in regular state benefits for 42 weeks between April 26, 2020 and February 13, 2021, at which time the claimant reached the maximum benefit amount. The claimant received \$177.00 in Pandemic Emergency Unemployment Compensation for the week that ended February 20, 2021. The claimant also received \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for each of the 13 weeks between April 26, 2020 and July 25, 2020, for FPUC total for that period of \$7,800.00. The claimant then received \$300.00 in Lost Wages Assistance Payments (LWAP) for each of the six weeks between July 26, 2020 and September 5, 2020, for a total of \$1,800.00 in LWAP benefits. The claimant also received

\$300.00 in FPUC benefits for each of the eight weeks between December 27, 2020 and February 20, 2021, with FPUC benefits totaling \$2,400.00. The two periods of FPUC benefits totaled \$10,200.00.

On March 4, 2021, Iowa Workforce Development Benefits Bureau issued the reference 01 decision that denied benefits for the period beginning April 26, 2020, based on the deputy's conclusion that the claimant was still employed for the same hours and wages and was not partially unemployed within the meaning of the law. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 01 decision has been affirmed in Appeal Number 22A-UI-07054-JT-T, based on the untimely appeal in that matter.

#### **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 01 decision denied benefits for the period beginning April 26, 2020 and remains in effect, the \$1,800.00 in Lost Wages Assistance Payments (LWAP) the claimant received for six weeks between July 26, 2020 and September 5, 2020 is an overpayment of benefits. The claimant must repay the overpaid LWAP benefits, unless the claimant applies for and is approved for waiver of repayment of LWAP benefits. See below.

#### **DECISION:**

The March 2, 2022 (reference 05) decision is AFFIRMED. The claimant was overpaid \$1,800.00 in Lost Wages Assistance Payments (LWAP) for six weeks between July 26, 2020 and September 5, 2020, due to the March 4, 2021 (reference 01) decision that denied benefits effective April 26, 2020. The claimant must repay the overpaid LWAP benefits, unless the claimant applies for and is approved for waiver of repayment of LWAP benefits. See below.



---

James E. Timberland  
Administrative Law Judge

---

June 7, 2022  
Decision Dated and Mailed

jet/kmj

*Note to Claimant:* This decision determines you have been overpaid LWAP 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. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.