

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MORGAN S NEHRING**  
Claimant

**APPEAL 21A-UI-23940-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Payment – Overpayment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the October 13, 2021 (reference 05) unemployment insurance decision that found claimant was overpaid Lost Wages Assistance (LWA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on December 20, 2021. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is overpaid LWA benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received LWA benefits in the gross amount of \$1,800.00 for the six-week period between July 26, 2020 and September 5, 2020.

On October 14, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits finding claimant voluntarily quit employment with Cato Wo LLC on September 17, 2019 due to a non-work-related injury or illness. That decision remains in effect (see appeal 20A-UI-13304-DG-T).

On November 24, 2020, claimant was approved for Pandemic Unemployment Assistance (PUA) benefits effective March 15, 2020. Claimant has not been paid LWA benefits based upon PUA eligibility for the six-week period between July 26, 2020 and September 5, 2020 (i.e. claimant has not been double paid LWA for those weeks).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

*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.

While claimant was denied UI benefits for the six-week period between July 26, 2020 and September 5, 2020, claimant was found eligible for PUA benefits for the same period. Claimant is entitled for LWA benefits based upon being eligible for PUA. Therefore, claimant is entitled to the LWA benefits in the amount outlined in the findings of fact above.

**DECISION:**

The October 13, 2021 (reference 05) unemployment insurance decision is reversed. Claimant is not overpaid LWA benefits for the six-week period between July 26, 2020 and September 5, 2020.



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Adrienne C. Williamson  
Administrative Law Judge  
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December 29, 2021  
Decision Dated and Mailed

acw/acw