

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RANDALL K TRIVELY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 21A-UI-11906-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/12/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On April 17, the claimant appealed the April 12, 2021, (reference 05) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$300.00 for the one-week period ending September 5, 2021. A telephone hearing was held on July 19, 2021, pursuant to due notice, and was consolidated with the hearing for appeal 21A-UI-11905-S2-T. Claimant Randall K. Trively participated personally. Carol Trively observed. 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: Claimant filed for and has received LWAP benefits in the gross amount of \$300.00 for the one-week period ending September 5, 2020. On October 26, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed. See 21A-UI-14025-AD-T. Claimant appealed the decision to the Employment Appeal Board, and that decision was affirmed. Claimant also received LWAP benefits in the gross amount of \$1,500.00 for the five-week period ending August 29, 2021. Additionally, claimant received Federal Pandemic Unemployment Assistance (“FPUC”) in the gross amount of \$1,200.00 for the two-week period ending July 25, 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. The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$300.00 and those benefits must be repaid.

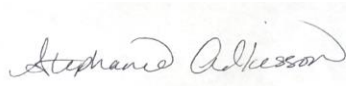
The issues of whether the claimant was overpaid FPUC benefits for the two-week period ending July 25, 2020, and LWAP benefits for the five-week period ending August 29, 2020, shall be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The April 12, 2021 (reference 05) decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$300.00, which must be repaid.

REMAND:

The issues of whether the claimant was overpaid FPUC benefits for the two-week period ending July 25, 2020, and LWAP benefits for the five-week period ending August 29, 2020, are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Stephanie Adkisson
Administrative Law Judge
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July 27, 2021
Decision Dated and Mailed

sa/lj