

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GIOVANNY G REYES
2311 N THORNWOOD AVE
DAVENPORT IA 52804 2536**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-20116-CS-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-benefits-handbook-guide-unemployment-insurance-benefits>

Handbook for Employers and forms: <https://www.iowaworkforcedevelopment.gov/employerforms>

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

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

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GIOVANNY G REYES
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-20116-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/06/19
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On September 10, 2021, the claimant/appellant appealed the September 3, 2021, (reference 04) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$1,200.00 for the four-week period ending September 5, 2020. A telephone hearing was held on November 2, 2021. The hearing was held together with appeals 21A-UI-20114-CS-T and 21A-UI-20115-CS-T, and combined into one record. The claimant participated. 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 \$1,200.00 for the four-week period ending September 5, 2020. On October 14, 2020, Iowa Workforce Development (IWD) issued a decision (reference 2) that denied claimant UI benefits. That decision has been affirmed. See 21A-UI-20114-CS-T.

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. Therefore, he has received LWAP benefits to which they were not entitled. The administrative law judge concludes that the claimant has been overpaid LWAP benefits in the amount outlined in the findings of fact above, and those benefits must be repaid.

DECISION:

The September 3, 2021 (reference 4) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$1,200.00, which must be repaid.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 1, 2021
Decision Dated and Mailed

cs/mh