

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RANDI WILSON
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 21A-UI-22800-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

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

STATEMENT OF THE CASE:

The claimant, Randi Wilson, filed a timely appeal from the October 7, 2021, reference 03, decision that held she was overpaid \$600.00 in Lost Wages Assistance Payments (LWAP) benefits for two weeks between July 26, 2020 and August 8, 2020, based on a November 21, 2020 decision that denied benefits for the affected period. After due notice was issued, a hearing was held on December 8, 2021. The claimant participated. There were three appeal numbers set for a consolidated hearing: 21A-UI-22798-JTT, 21A-UI-22799-JTT, and 21A-UI-22800-JTT. Exhibits 1 and A were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, KCCO and the deputy's notes concerning the fact-finding interview.

ISSUE:

Whether the claimant was overpaid \$600.00 in Lost Wages Assistance Payments (LWAP) benefits for two weeks between July 26, 2020 and August 8, 2020, based on a November 21, 2020 decision that denied benefits for the affected period.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant, Randi Wilson, established an original claim for benefits that was effective July 26, 2020. The claimant received \$914.00 in regular benefits for two weeks between July 26, 2020 and August 8, 2020. The claimant also received \$600.00 in Lost Wages Assistance Payments (LWAP) benefits for those same two weeks.

On November 24, 2020, Iowa Workforce Development Benefits Bureau issued a reference 01 decision that denied benefits effective July 26, 2020, based on the deputy's conclusion that the claimant 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 21A-UI-22798-JTT.

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 affected period, and because the reference 01 decision remains in effect, the \$600.00 in Lost Wages Assistance Payments (LWAP) benefits that the claimant received for two weeks between July 26, 2020 and August 8, 2020 is an overpayment of benefits. The claimant must repay the overpaid LWAP benefits.

DECISION:

The October 7, 2021, reference 03, decision is affirmed. The claimant was overpaid \$600.00 in Lost Wages Assistance Payments (LWAP) benefits for two weeks between July 26, 2020 and August 8, 2020, based on a November 24, 2020 decision that denied benefits for the affected period. The claimant must repay the overpaid LWAP benefits.



James E. Timberland
Administrative Law Judge

January 19, 2022
Decision Dated and Mailed

jet/mh