

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CYNTHIA A URZENDOWSKI
Claimant

APPEAL NO. 22A-UI-08122-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On April 2, 2022, Cynthia Urzendowski (claimant) filed a timely appeal from the March 29, 2022 (reference 05) decision that held the claimant was overpaid \$300.00 in Lost Wages Assistance Payments (LWAP) for the week that ended August 1, 2020, due to a January 13, 2021 decision that denied benefits in connection with an availability determination. After due notice was issued, a hearing was held on May 13, 2022. Claimant participated. There were four appeal numbers set for a consolidated hearing: 22A-UI-08119-JT-T, 22A-UI-08120-JT-T, 22A-UI-08121-JT-T, and 22A-UI-08122-JT-T. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records, the reference 02 through 05 decisions, DBIN, KPYX, KCCO, KFFV, the January 16, 2021 application for PUA, and the absence of a decision regarding PUA eligibility.

ISSUE:

Whether the claimant was overpaid \$300.00 in Lost Wages Assistance Payments (LWAP) for the week that ended August 1, 2020, due to a January 13, 2021 decision that denied benefits in connection with an availability determination.

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 March 22, 2020. Iowa Workforce Development set the weekly benefit amount for regular state benefits at \$366.00. IWD paid the claimant \$366.00 in regular state benefits for each of the 18 weeks between March 22, 2020 and July 25, 2020. IWD paid the claimant \$93.18 in regular state benefits for the week that ended August 1, 2020. The regular state benefits for the 19 weeks totaled \$6,681.00. IWD also paid the claimant \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for each of the 17 weeks between March 29, 2020 and July 25, 2020. The FPUC benefits paid to the claimant totaled \$10,200.00. IWD also paid the claimant \$300.00 in Lost Wages Assistance Payments (LWAP) for the week that ended August 1, 2020. The claimant's eligibility for the FPUC benefits and the LWAP benefits depended on the

claimant's eligibility for regular state benefits. The claimant received all of the above-referenced benefits.

On January 14, 2021, Iowa Workforce Development Benefits Bureau issued a reference 02 decision that denied regular state benefits effective March 22, 2020, based on the deputy's conclusion the claimant was still employed in her on-call job with Underwood Community School District in the same capacity as in the original contract of hire and was not available for work within the meaning of the law. The reference 02 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 02 decision remains in effect. See Appeal Number 22A-UI-08119-JT-T.

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 January 14, 2021 (reference 02) decision denied regular state benefits for the period beginning March 22, 2020, and because the reference 02 decision remains in effect, the \$300.00 in LWAP benefits the claimant received for the week that ended August 1, 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 29, 2022 (reference 05) decision is AFFIRMED. The claimant was overpaid \$300.00 in LWAP benefits for the week that ended August 1, 2020, due to the January 14, 2021 (reference 02) decision that denied benefits effective March 22, 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 30, 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.