

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIE M DENOUDEN
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-21366-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code § 96.7(3) –Lost Wages Assistance (LWA)

STATEMENT OF THE CASE:

The claimant/appellant, Julie M. Denouden, filed an appeal from the September 14, 2021 (reference 13) initial decision that established an overpayment of LWA benefits. After proper notice, a telephone hearing was conducted on November 22, 2021. The hearing was held as a consolidated hearing with Appeals 21A-UI-21362-JC-T, 21A-UI-21363-JC-T, 21A-UI-21364-JC-T, 21A-UI-21365-JC-T and 21A-21366-JC-T. The claimant participated personally. Official notice was taken of the administrative records. Department Exhibit A, Claimant Exhibits B and C were admitted.

ISSUE:

Is the claimant overpaid Lost Wages Assistance (LWA)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 15, 2020.

The claimant filed for and received a total of \$3,818.85 in regular, state unemployment insurance benefits for the weeks between June 7, 2020 and August 15, 2020.

The claimant received federal unemployment insurance benefits through Lost Wages Assistance (LWA). Claimant received \$1,200.00 in LWA benefits for the period of four-week period ending August 22 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-21362-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid LWA benefits.

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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$1,200.00 in LWA benefits. (See *Iowa Code § 96.7(3)* and *August 8, 2020 Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019.*)

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-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

DECISION:

The unemployment insurance decision dated September 14, 2021, (reference 13), is **AFFIRMED**. The claimant was overpaid \$3,818.85 in regular, state unemployment insurance benefits. The claimant was overpaid \$1,200.00 in Lost Wages Assistance (LWA) benefits.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

January 3, 2022
Decision Dated and Mailed

jlb/mh

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance 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.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>