

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SHAQUITA TERRELL**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 21A-UI-04980-AD-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/10/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Shaquita Terrell (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated February 6, 2021 (reference 11) that determined claimant had been overpaid Lost Wage Assistance Program (LWAP) in the amount of \$1,200.00 for the four weeks ending August 22, 2020.

A telephone hearing was held on April 16, 2021. The parties were properly notified of the hearing. Claimant participated personally. Official notice was taken of the administrative record.

**ISSUE:**

Was the claimant overpaid LWAP?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The unemployment insurance system shows claimant received LWAP in the amount of \$300.00 for a total of four weeks, from the benefit week ending August 1, 2020 through the benefit week ending August 22, 2020. The total amount of LWAP paid during that period is \$1,200.00.

Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated January 29, 2021. That decision has now been affirmed. See 21A-UI-04975-AD-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated February 6, 2021 (reference 11) that determined claimant had been overpaid Lost Wage Assistance Program (LWAP) in the amount of \$1,200.00 for the four weeks ending August 22, 2020 is AFFIRMED.

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.

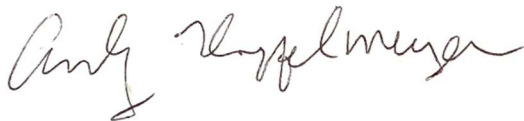
b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The unemployment insurance system shows claimant received LWAP in the amount of \$300.00 for a total of four weeks, from the benefit week ending August 1, 2020 through the benefit week ending August 22, 2020. The total amount of LWAP paid during that period is \$1,200.00.

Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated January 29, 2021. That decision has now been affirmed. See 21A-UI-04975-AD-T. Because claimant received LWAP in the amount of \$1,200.00 for which she was later disqualified, she has been overpaid LWAP in that amount.

**DECISION:**

The decision dated February 6, 2021 (reference 11) that determined claimant had been overpaid Lost Wage Assistance Program (LWAP) in the amount of \$1,200.00 for the four weeks ending August 22, 2020 is AFFIRMED.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

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April 22, 2021  
Decision Dated and Mailed

abd/kmj

***Note to Claimant:***

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.