

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LORI D WEETS**

Claimant

**APPEAL 21A-UI-24481-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT  
INVESTIGATION & RECOVERY**

**OC: 03/29/20**

**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Lori D Weets, the claimant/appellant, filed an appeal from the October 21, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid Lost Wage Assistance Payments (LWAP) benefits in the gross amount of \$1,800.00 because she failed to report wages from one of her employers. The parties were properly notified of the hearing. A telephone hearing was held on January 3, 2022. Ms. Weets participated and testified. Kendra Mills, investigator, participated on behalf of IWD. Department's Exhibits 1-10 were admitted as evidence. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Has Ms. Weets been overpaid LWAP benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Weets. filed an initial claim for REGULAR UI benefits effective March 29, 2020. She filed weekly claims from March 29, 2020 through December 26, 2020.

The Lost Wage Assistance Program was created by presidential Executive Order 8, signed on August 8, 2020. To receive LWAP benefits in any given week, a claimant must be eligible to receive at least \$100.00 in unemployment benefits per week, and the individual must self-certify that he or she is unemployed or partially unemployed as a result of the COVID-19 pandemic.

On October 22, 2021, IWD issued a reference 01 decision finding Ms. Weets was overpaid REGULAR UI benefits in the gross amount of \$11,518.00 because she failed to accurately report wages earned while receiving REGULAR UI benefits. Ms. Weets worked for employer, Iowa Specialty Hospital, as a full-time medical secretary. She had worked there since 1993. She continuously worked for this employer from March 2020, when she established her UI claim, through August 2021 when she retired. Ms. Weets did not report any of her wages from Iowa Specialty Hospital from March 29, 2020 through December 26, 2020. IWD also imposed a 15 percent administrative penalty due to misrepresentation. Ms. Weets appealed the decision

to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-24478-DZ-T, affirmed the reference 01 decision.

Ms. Weets received LWAP benefits in the gross amount of \$1,800.00 for 6 weeks between July 26, 2020 through September 5, 2020.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Ms. Weets has been overpaid LWAP benefits.

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.

Since Ms. Weets failed to accurately report wages earned while receiving REGULAR UI benefits from March 29, 2020 through December 26, 2020, Ms. Weets has been overpaid LWAP benefits in the gross amount of \$1,800.00 for 6 weeks from July 26, 2020 through September 5, 2020, which should be repaid.

**DECISION:**

The October 21, 2021, (reference 03) unemployment insurance decision is affirmed. Ms. Weets has been overpaid LWAP benefits in the gross amount of \$1,800.00.



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February 9, 2022  
Decision Dated and Mailed

dz/rs