

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DUNG Q DAO**  
Claimant

**APPEAL 21A-UI-21033-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

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Iowa Code § 96.3(7) – Overpayment of Benefits – Lost Wages Assistance (LWA)

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the September 13, 2021 (reference 08) unemployment insurance decision that found claimant was overpaid LWA benefits in the amount of \$1,200.00 for four weeks between July 26, 2020 and August 22, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on November 17, 2021. The claimant participated personally. CTS Language Link provided language interpretation services to the claimant. The administrative law judge took administrative notice of the unemployment insurance benefits records and the hearing was consolidated with Appeal No. 21A-UI-21030-DB-T; 21A-UI-21031-DB-T; and 21A-UI-21032-DB-T.

**ISSUE:**

Is the claimant overpaid LWA benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of March 22, 2020. His established weekly benefit amount was \$345.00. He was paid regular unemployment insurance benefits funded by the State of Iowa from March 29, 2020 through August 8, 2020 in the amount of \$6,544.04. Claimant was paid Federal Pandemic Emergency Unemployment Compensation benefits for two weeks between August 9, 2020 and August 22, 2020 in the amount of \$690.00. Claimant was paid Federal Pandemic Unemployment Compensation (FPUC) benefits of \$10,200.00 for the weeks between March 29, 2020 and July 25, 2020. Claimant was paid Lost Wages Assistance (LWA) benefits of \$1,200.00 for the weeks between July 26, 2020 and August 22, 2020.

Iowa Workforce Development issued a decision dated November 2, 2020 (reference 04) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to his voluntary quitting of work. That decision was appealed and a hearing was with Administrative Law Judge (ALJ) James Timberland issued a decision dated January 29, 2021 that affirmed the underlying disqualification due to the claimant voluntarily quitting but found that the quitting occurred on March 23, 2020. See Appeal No. 20A-UI-14394-

JT-T. No appeal to the Employment Appeal Board was docketed and that decision became final. Claimant filed an application for Federal Pandemic Unemployment Assistance (PUA) benefits but was denied PUA benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

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.

On August 8, 2020, President Trump issued a memorandum to provide additional financial assistance to those individuals receiving unemployment benefits that met the eligibility requirements of the program through a grant from FEMA. The Lost Wages Assistance (LWA) program required claimants to be eligible for a weekly benefit amount of at least \$100.00 and the LWA payment was made to claimants in combination with a payment of at least \$1.00 in benefits stemming from either State of Iowa funded unemployment insurance benefits, Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits program, Pandemic Unemployment Assistance (PUA) program, Extended Benefits program, Voluntary Shared Work program, Short Term Compensation program, or Trade Act benefits program. The weekly benefit amount of the LWA program was \$300.00 and it ran from July 26, 2020 through September 5, 2020.

In this case, the claimant received LWA benefits from July 26, 2020 through August 22, 2020 because at that time there was no disqualifying decision that found he was not eligible for the regular unemployment insurance benefits funded by the State of Iowa or the PEUC benefits. The LWA benefits were paid in conjunction with and based upon his eligibility for regular unemployment insurance benefits funded by the State of Iowa and PEUC benefits. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits and PEUC benefits pursuant to the ALJ decision issued in Appeal No. 20A-UI-14394-JT-T, he was no longer eligible for LWA benefits. Because the claimant has not been found eligible for PUA benefits, or any other qualifying program in which LWA benefits would be paid in conjunction with, the claimant has been overpaid LWA benefits in the amount of \$1,200.00 for four weeks between July 26, 2020 and August 22, 2020.

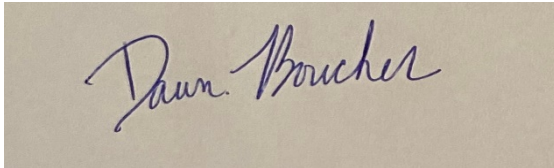
The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

Iowa Workforce Development  
Overpayment Waiver Request  
1000 East Grand Avenue  
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

**DECISION:**

The September 13, 2021 (reference 08) unemployment insurance decision is affirmed. The claimant was overpaid LWA benefits in the amount of \$1,200.00 for the four weeks between July 26, 2020 and August 22, 2020.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style on a light-colored, textured background.

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Dawn Boucher  
Administrative Law Judge

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November 18, 2021  
Decision Dated and Mailed

db/kmj