

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAWN R JUCHEM
Claimant

APPEAL 21A-UI-11342-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/03/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 2, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid Lost Wages Assistance (LWA) benefits in the amount of \$1,800.00 for the six-week period ending September 5, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on July 12, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-11340-DB-T and 21A-UI-11342-DB-T.

ISSUE:

Is the claimant overpaid LWA benefits for the six-week period ending September 5, 2020?

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 May 3, 2020. She was paid regular unemployment insurance benefits funded by the State of Iowa from May 10, 2020 through September 19, 2020 in the amount of \$5,548.00. She was paid Federal Pandemic Unemployment Compensation (FPUC) benefits of \$6,600.00 for the eleven-week period ending July 25, 2020. She was paid Lost Wages Assistance benefits for the six-week period ending September 5, 2020.

Iowa Workforce Development issued a decision dated September 23, 2020 (reference 01) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to the fact that she refused recall to suitable work with Ruthven Community Care Center Inc. That decision was appealed and a hearing was scheduled for November 23, 2020. The claimant failed to appear at the hearing and Administrative Law Judge (ALJ) Duane Golden issued a decision dated December 3, 2020 that affirmed the underlying decision that the claimant had refused recall to suitable work. See Appeal No. 20A-UI-12098-DG-T. Claimant filed an appeal to the Employment Appeal Board (EAB) and it issued a decision affirming ALJ Golden's dismissal of the appeal. See Appeal 20B-UI-10298. No further appeal of the EAB decision was filed with the District Court for the State of Iowa.

No application for Pandemic Unemployment Assistance (PUA) benefits has been filed by the claimant at this time.

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.

(emphasis added).

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 September 5, 2020 because at that time there was no disqualifying decision that found she was not eligible for the regular unemployment insurance benefits funded by the State of Iowa. The LWA benefits were paid in conjunction with and based upon her eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision dated September 23, 2020 (reference 01) finding that she refused a recall to work at Ruthven Community Care Center Inc., she was no longer eligible for LWA benefits. Further, because that denial decision was never reversed in Appeal No. 20A-UI-12098-DG-T or Appeal No. 20B-UI-12098, the denial decision remains in effect.

Lastly, 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, therefore, the claimant has been overpaid LWA benefits in the amount of \$1,800.00 for six weeks between July 26, 2020 and September 5, 2020.

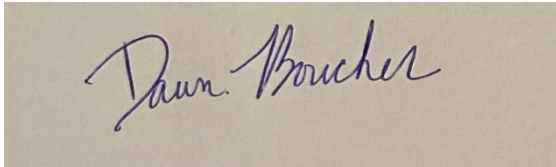
The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

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 April 2, 2021 (reference 04) unemployment insurance decision is affirmed. The claimant was overpaid LWA benefits in the amount of \$1,800.00 for six weeks between July 26, 2020 and September 5, 2020.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

July 21, 2021
Decision Dated and Mailed

db/mh

Note to Claimant

- This decision may determine you are overpaid LWA benefits and 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.
- If you do not qualify for regular unemployment insurance benefits funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance (“PUA”) section of the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”) that discusses eligibility for claimants who are unemployed due to the Coronavirus.
- **You will need to apply for PUA to determine your eligibility under the program.**
For additional information on how to apply for PUA go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>.
- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA, please visit:
<https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to “Submit Proof Here.” You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting:
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.