

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICHOLAS J NEELS
Claimant

APPEAL 21A-UI-12099-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/19/20
Claimant: Appellant (5)**

Iowa Code § 96.3(7) – Payment – Overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the April 22, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits. Claimant was properly notified of the hearing. Claimant waived notice of the issue of whether he was overpaid Lost Wage Assistance (LWA) benefits. A telephone hearing was held on July 22, 2021, at 8:05 a.m. Claimant participated. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid LWA benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received LWA benefits in the gross amount of \$600.00 for the two-week period between August 23, 2020 and September 5, 2020. Claimant did not receive FPUC benefits during that period of time. On February 3, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that denied claimant UI benefits. That decision has been affirmed (see appeal 21A-UI-05037-S1-T).

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.3(7) states:

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.

The decision that denied claimant UI benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is also not eligible for LWA benefits. Therefore, claimant has received LWA benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid LWA benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The April 22, 2021 (reference 04) unemployment insurance decision is modified with no change in effect. Claimant has been overpaid LWA benefits in the amount of \$600.00, which must be repaid.



Adrienne C. Williamson
Administrative Law Judge
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July 28, 2021
Decision Dated and Mailed

acw/mh