

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNY WOODS
Claimant

APPEAL 21A-UI-16669-DZ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/23/20
Claimant: Appellant (1R)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2104 – Lost Wage Assistance Payments

STATEMENT OF THE CASE:

Jenny Woods, the claimant/appellant, filed an appeal from the July 20, 2021, (reference 08) unemployment insurance decision that concluded he was overpaid Lost Wage Assistance Payments (LWAP) benefits in the amount of \$600.00. Ms. Woods was properly notified of the hearing. A telephone hearing was held on September 21, 2021. Ms. Woods participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Woods been overpaid LWAP benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Woods received LWAP benefits in the amount of \$600.00 between August 23, 2020 and September 5, 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 November 24, 2020, Iowa Workforce Development issued a reference 01 decision finding Ms. Woods was not eligible for REGULAR UI benefits. The administrative law judge's decision in Appeal 21A-UI-16663-DZ-T affirmed the reference 01 decision.

Ms. Woods applied for Pandemic Unemployment Assistance (PUA) benefits on November 10, 2020. The Iowa Workforce Development decision dated January 7, 2021 determined that she was eligible for PUA benefits as of August 23, 2020. Governor Reynolds ended Iowa's participation in the PUA program as of June 12, 2021. As a result, Ms. Woods' eligibility for PUA benefits ended on June 12, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Woods 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.

PL116-136, Sec. 2104 provides, in pertinent part:

(b) Provisions of Agreement

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

....
(f) Fraud and Overpayments

(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

Because Ms. Woods is disqualified from receiving REGULAR UI benefits, she is also disqualified from receiving LWAP benefits. The administrative law judge concludes that Ms.

Woods has been overpaid LWAP benefits in the gross amount of \$600.00 between August 23, 2020 and September 5, 2020, which should be repaid.

DECISION:

The July 20, 2021, (reference 08) unemployment insurance decision is affirmed. Ms. Woods has been overpaid LWAP benefits in the amount of \$600.00, which must be repaid.

REMAND:

This matter is remanded (sent back) to the Benefits Bureau of Iowa Workforce Development for a review of whether Ms. Woods is eligible for LWAP benefits based on her approval for PUA benefits.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

September 27, 2021
Decision Dated and Mailed

dz/mh

NOTE TO MS. WOODS:

- This decision determines you have been overpaid LWAP benefits, and the administrative law judge does not have authority to waive the overpayment.
- 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.