

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT J HIGHLAND
Claimant

APPEAL 16A-UI-10530-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/23/14
Claimant: Appellant (1)

Iowa Code § 8A.504 – Setoff Procedures
Iowa Admin. Code r. 871-25.16 – State Payment Offset
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 19, 2016, reference 08, decision that kept her lottery winning benefits. After due notice was issued, a hearing was held on October 11, 2016. The claimant did participate. Claimant's exhibit A was entered and received into the record. The administrative law judge took official notice of the administrative record.

ISSUE:

Can the claimant's lottery prize be withheld to repay an overpayment of unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant owes Iowa Workforce Development \$6562.68 in unemployment insurance benefits paid during the November 23, 2014, claim year to which he was not entitled. The claimant did not appeal the overpayment decisions and they have become final. At least two overpayment billing statements were sent to the claimant at the same address listed on the hearing notice and in the agency records. The billing statements put the claimant on notice that any tax refund or lottery prize may be withheld to repay the overpayment. The claimant has made no attempt to repay the overpayment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's lottery prize can be withheld to repay an overpayment of unemployment insurance benefits.

Iowa Code section 8A.504 sets forth a procedure whereby one state agency may obtain funds owed by a lottery entity to an individual, to apply to an amount owed to a state agency. Iowa Admin. Code r. 871-25.16 specifically authorizes the Iowa Workforce Development Department

to withhold lottery or other prize winnings under certain circumstances. The agency has complied with the provisions.

The claimant owes the Iowa Workforce Development Department \$6562.68 in benefits received in the November 23, 2014, claim year to which he was not entitled. Iowa Workforce Development Department is legally authorized to withhold the lottery prize up to the amount of the overpayment of benefits, which the claimant owes to the Iowa Workforce Development Department.

DECISION:

The unemployment insurance decision dated September 19, 2016, (reference 08) is affirmed. Iowa Workforce Development Department has legal authority to withhold the lottery prize of the claimant to apply to the overpayment of unemployment insurance benefits, which he owes to the department.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs