

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

SAMANTHA GAHMAN
Claimant

APPEAL 23A-UI-03305-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1R)

Iowa Code § 96.11(16) – Tax Refund Offset

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 16, 2023 (reference 04) unemployment insurance decision that allowed claimant's overpayment to be withheld from claimant's Iowa income tax refund. Claimant was properly notified of the hearing. A telephone hearing was held on April 12, 2023. Claimant participated. Iowa Workforce Development (IWD) did not participate. Claimant's Exhibits A through C were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether the agency can withhold the claimant's state income tax refund to offset an established overpayment of unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed an initial claim for unemployment insurance (UI) benefits effective March 15, 2020. Claimant filed ongoing weekly claims between March 15, 2020 and March 13, 2021.

The administrative record reflects that IWD paid claimant UI benefits of \$3,220.00 for the seven-week period between March 15, 2020 and May 2, 2020 and Federal Pandemic Unemployment Compensation (FPUC) benefits of \$3,000.00 for the five-week period between March 29, 2020 and May 2, 2020. The administrative record also shows that IWD issued the UI and FPUC payments to a Bank of America debit card between April 17, 2020 and May 5, 2020. Claimant has produced evidence that the funds were not deposited on her Bank of America debit card. (See Exhibits B and C)

On May 6, 2020, IWD issued a decision (reference 01) denying claimant UI benefits effective March 15, 2020. Claimant appealed the decision. On June 12, 2020, an administrative law judge issued a decision affirming the denial of benefits effective March 15, 2020 and finding claimant was overpaid UI benefits of \$3,220.00 and Federal Pandemic Unemployment Compensation (FPUC) benefits of \$3,000.00. (See appeal 20A-UI-03973-S1-T) Claimant did

not appeal the administrative law judge's decision to the Employment Appeal Board (EAB); therefore, the overpayment decisions remain in effect.

Instead of appealing to the EAB, claimant applied for Pandemic Unemployment Assistance (PUA) benefits. On July 14, 2020, IWD issued a decision that allowed claimant PUA benefits effective March 15, 2020. The administrative record reflects that IWD has not paid claimant PUA or corresponding FPUC benefits for the seven-week period between March 15, 2020 and May 2, 2020.

As of April 12, 2023, claimant's benefit overpayment balance is \$6,644.00. The state treasurer notified IWD that claimant has an Iowa income tax refund of at least \$50.00.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 421.17(27) via the Iowa Department of Revenue sets forth a procedure whereby one state agency may obtain funds owed by a second state agency to an individual to apply to a debt, which that same individual owes to the first state agency. Iowa Admin. Code r. 871-25.16 specifically authorizes Iowa Workforce Development to withhold the state income tax refund owing to the claimant to apply to an overpayment of benefits, which that same claimant owes to Iowa Workforce Development so long as both amounts are at least \$50.00. Iowa Code § 96.11(16) allows reimbursement of setoff costs.

Claimant has an outstanding overpayment balance. Claimant has an Iowa income tax refund of at least \$50.00. Therefore, IWD is legally authorized to withhold the Iowa income tax refund up to the amount of the overpayment of benefits, plus a \$7.00 transfer fee.

Nevertheless, justice demands that this claim be remanded to IWD's Benefits Bureau for further investigation and determination.

This matter shall be remanded to IWD's Benefits Bureau for investigation into whether UI and FPUC benefits were deposited onto claimant's Bank of America debit card for the seven-week period between March 15, 2020 and May 2, 2020; IWD shall review and consider Claimant's Exhibit 2 (record of Bank of America transactions) and Exhibit 3 (transcript of claimant's telephone call with Bank of America) and determine whether the UI and FPUC benefits were paid to claimant and, thus, whether claimant was truly overpaid UI and FPUC benefits for seven-week period between March 15, 2020 and May 2, 2020.

This matter shall also be remanded to IWD's Benefits Bureau for a determination of whether PUA and FPUC benefits were paid to claimant for the seven-week period between March 15, 2020 and May 2, 2020 and whether those benefits should be paid to claimant or used to offset a UI and FPUC benefit overpayment for the same period of time.

If IWD determines that claimant is not overpaid, IWD shall release any hold on claimant's Iowa income tax refund.

DECISION:

The March 16, 2023 (reference 04) unemployment insurance decision is AFFIRMED. IWD has legal authority to withhold claimant's Iowa income tax refund to apply to claimant's benefit overpayment balance.

REMAND:

This matter is remanded to IWD's Benefits Bureau for investigation into whether UI and FPUC benefits were deposited onto claimant's Bank of America debit card for the seven-week period between March 15, 2020 and May 2, 2020; IWD shall review and consider Claimant's Exhibit 2 (record of Bank of America transactions) and Exhibit 3 (transcript of claimant's telephone call with Bank of America) and determine whether the UI and FPUC benefits were paid to claimant and, thus, whether claimant was truly overpaid UI and FPUC benefits for seven-week period between March 15, 2020 and May 2, 2020.

This matter is also remanded to IWD's Benefits Bureau for a determination of whether PUA and FPUC benefits were paid to claimant for the seven-week period between March 15, 2020 and May 2, 2020 and whether those benefits should be paid to claimant or used to offset a UI and FPUC benefit overpayment for the same period of time.

If IWD determines that claimant is not overpaid, IWD shall release any hold on claimant's Iowa income tax refund.



Adrienne C. Williamson
Administrative Law Judge

April 20, 2023
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.