

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**WILLIAM M DEEBLE
421 ROLLINGSGATE CT C-1
BENSALEM PA 19020-7716**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-09121-DWT
OC: 07/11/94 R: 12
Claimant: Appellant (4)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

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.

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 are based.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

William M. Deeble (claimant) appealed a representative's August 18, 2004 decision (reference 04) that concluded he had been overpaid \$1,220.00 in benefits he received between July 11 and August 7, 2004. The overpayment occurred as a result of an August 17, 2004 redetermination. On August 26, 2004 the Department issued a decision (reference 05) that amended the August 18 decision and reduced the overpayment to \$122.00. At the scheduled hearing, the claimant agreed he had been overpaid \$122.00 because the Department had already paid federal taxes on \$1,220.00 benefits. Based on the administrative record, the claimant's acknowledgement that he has been overpaid, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant does not contest that because the Department previously paid \$122.00 to the Federal Government federal income taxes on his behalf, he has been overpaid this amount. The claimant no longer has a valid Iowa unemployment insurance claim. The claimant's unemployment insurance claim has been referred to Pennsylvania. If the state of Pennsylvania determines the claimant is qualified to receive unemployment insurance benefits, Pennsylvania shall reimburse Iowa the \$122.00 that was previously paid for federal income tax purposes. If Pennsylvania determines the claimant is not eligible, the claimant shall pay back \$122.00 to the Department. If the claimant personally pays back \$122.00, the Department shall provide the claimant with documentation that he can use for his 2004 Federal Income Tax Form.

REASONING AND CONCLUSIONS OF LAW:

The claimant acknowledged he has been overpaid \$122.00 by Iowa and there is no need for a hearing in this matter. If Pennsylvania determines the claimant is eligible to receive benefits, the state of Pennsylvania shall reimburse the state of Iowa \$122.00. If, however, Pennsylvania concludes the claimant is not qualified to receive benefits, the claimant shall personally pay back to Iowa \$122.00, and the Department shall provide the claimant with the appropriate documentation for his 2004 Federal Income Tax Form.

DECISION:

The representative's August 18, 2004 (reference 04) is modified by an August 26, 2004 decision (reference 05). The claimant has not been overpaid \$1,220.00. He has only been overpaid \$122.00. Since the claimant has refilled an unemployment insurance claim in Pennsylvania, if the state of Pennsylvania determines the claimant is qualified to receive benefits, Pennsylvania will reimburse Iowa the \$122.00 from the benefits the claimant is entitled to receive from Pennsylvania. If, the claimant is not qualified to receive benefits from Pennsylvania, he shall repay \$122.00 to the Department and the Department will provide the claimant with the appropriate documentation he needs for his 2004 Federal Income Tax form.

dlw/tjc