

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ANTHONY D BANKS
Claimant

APPEAL NO. 14A-UI-08946-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/23/14
Claimant: Appellant (1)**

20 CFR 616.8(e) – Recovery of Overpayment For Another State

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 26, 2014, reference 03, that concluded his \$6,322.00 overpayment in the State of Illinois would be recovered by offset from his Iowa claim. A telephone hearing was held on September 17, 2014. The claimant participated in the hearing.

ISSUE:

Must benefits payable to the claimant on his Iowa claim be withheld and sent to Illinois to be applied to an overpayment there?

FINDINGS OF FACT:

On February 12, 2014 the State of Illinois certified that the claimant had an outstanding overpayment of \$6,322.00 and requested recovery of the overpayment from benefits payable in Iowa.

Claimant believed that the amount requested by Illinois was not accurate. Claimant's balance had changed from last year because amounts had been collected from other agencies.

The State of Illinois certified that the determination was final.

REASONING AND CONCLUSIONS OF LAW:

Federal law allows an outstanding overpayment in one state to be recovered by withholding the overpayment from benefits payable to the claimant in another state, provided that any such deduction is made with the same procedures relating to notice and opportunity for a hearing as apply to the recovery of overpayments of regular unemployment compensation paid by such State and the states have signed a reciprocal agreement with the United States Department of Labor allowing such a recovery. 42 U.S.C. 503(g). U.S. Department of Labor records show that Iowa and Ohio participate in the Interstate Reciprocal Overpayment Recovery Arrangement. http://www.workforcesecurity.doleta.gov/unemploy/pdf/istate_agree_recip_overpay_recov.pdf.

U.S. Department of Labor guidance documents provide that before a state may request recoupment, the requesting state must issue a recoverable overpayment determination and the State must notify the recovering State, in writing, of its request for recoupment and certify the balance of outstanding overpayment. The guidance document further state that a claimant's right of appeal. should be limited to the recovering State's authority to offset and the amount of the weekly offset and claimants should be informed that any issue concerning the correctness or validity of the requesting State's overpayment determination should be addressed to the requesting State. Unemployment Insurance Program Letter 50-86, UIPL 50-86 Attachment, § 4. http://www.ows.doleta.gov/dmstree/uipl/uipl86/uipl_5086a1.htm.

The evidence establishes that the State of Illinois made a proper request under federal law to recover the outstanding overpayment in that state by offset against benefits payable to the claimant in Iowa. Any issue regarding the amount of the overpayment in Illinois needs to be addressed by the claimant to the State of Illinois.

DECISION:

The unemployment insurance decision dated August 26, 2014, reference 03, is affirmed. The State of Iowa has the authority to offset benefits payable to the claimant to recover the overpayment in Illinois.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/can