

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY R JACKSON
Claimant

APPEAL NO. 08A-UI-07373-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/06/08 R: 12
Claimant: Appellant (1)

20 C.F.R. Ch. V, section 616.8 – Interstate Reciprocal Overpayment Recovery Arrangement

STATEMENT OF THE CASE:

Jeffrey Jackson filed a timely appeal from the August 7, 2008, reference 02, decision that Iowa Workforce was going to withhold \$4,675.65 in benefits from his Iowa unemployment insurance claim to recover an overpayment reported by the Wisconsin Department of Workforce Development. After due notice was issued, a hearing was held on August 27, 2008. Mr. Jackson participated. Department Exhibit D-1 was received into evidence. The administrative law judge took official notice of Iowa Workforce Development's record of benefits disbursed to the claimant.

ISSUE:

Whether Iowa Workforce is authorized and/or required to withhold \$4,675.65 in benefits from Mr. Jackson's Iowa unemployment insurance claim to recover an overpayment reported by the Wisconsin Department of Workforce Development.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jeffrey Jackson established an Iowa claim for unemployment insurance benefits that was effective July 6, 2008. Mr. Jackson has received benefits for the four-week period of July 6 through August 2, 2008. Mr. Jackson was approved for benefits for the two-week period of August 3-16, 2008, but those benefits were withheld by Iowa Workforce Development.

On August 1, 2008, the Wisconsin Department of Workforce Development submitted an Interstate Request for Overpayment Recovery to Iowa Workforce Development concerning Mr. Jackson. Wisconsin attached a copy of a January 11, 2003 unemployment insurance overpayment decision that became a final decision on January 27, 2003. Wisconsin indicated in the Request that the overpayment determination was a final determination. Wisconsin requested that Iowa Workforce Development recover the Wisconsin overpayment "from substitute weeks of benefits or future benefits payable." Wisconsin indicated in the Request that the request was made pursuant to the requirements of Public Law 99-272 and indicated that Wisconsin had signed a reciprocal agreement with the U.S. Department of Labor. Iowa has also signed a reciprocal agreement with the U.S. Department of Labor.

REASONING AND CONCLUSIONS OF LAW:

The Interstate Reciprocal Overpayment Recovery Arrangement (IRORA) was signed by 31 states, including Iowa and Wisconsin. Iowa's reciprocal agreement with the U.S. Department of Labor requires that Iowa Workforce Development take appropriate steps to recover an overpayment of unemployment insurance benefits from another State if that State has supplied appropriate documentation of the an overpayment and has made an appropriate request for assistance in recovering the overpayment. In this case, Wisconsin Department of Workforce Development provided Iowa Workforce Development with appropriate documentation of the \$4,675.65 Wisconsin overpayment and made an appropriate request for assistance in recovering the overpayment. Iowa Workforce Development was obligated under the IRORA to assist in recovering the overpayment and took appropriate steps to do that, which included withholding or off-setting benefits that would otherwise have been disbursed to Mr. Jackson. Iowa Workforce Development has no authority to revisit or adjudicate the Wisconsin overpayment issue. See 20 C.F.R. Ch. V, section 616.8.

Iowa Workforce is authorized and/or required to withhold \$4,675.65 in benefits from Mr. Jackson's Iowa unemployment insurance claim to recover an overpayment reported by the Wisconsin Department of Workforce Development.

DECISION:

The Agency representative's August 7, 2008, reference 02, is affirmed. Iowa Workforce is authorized and/or required to withhold \$4,675.65 in benefits from the claimant's Iowa unemployment insurance claim to recover an overpayment of unemployment insurance benefits reported by the Wisconsin Department of Workforce Development.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw