

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDY OLECHNOVICS
Claimant

APPEAL NO: 13A-UCFE-00006-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/13/13
Claimant: Appellant (1)**

Public Law 97-35 §2335 - Child Support Intercept of Unemployment Benefits
Iowa Code § 96.3-9 - Child Support Intercept

STATEMENT OF THE CASE:

The claimant filed an appeal from a January 22, 2013, reference 01, decision, which notified him that child support will be deducted from any future unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 27, 2013. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether Iowa Workforce Development's deduction of child support from the claimant's unemployment insurance benefits is an appealable issue.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: A decision was sent to the claimant which notified him that Iowa Workforce Development would be deducting child support from any future unemployment insurance benefits to which he is entitled. The decision does not provide any appeal rights and advises the claimant to contact his local child support recovery unit with questions.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether Iowa Workforce Development's deduction of child support from the claimant's unemployment insurance benefits is an appealable issue. The administrative law judge concludes that it is not.

Under Section 2335 of Public Law 97-35, the withholding of unemployment compensation is required for unmet child support obligations owed. When a claim for unemployment insurance benefits is filed, the claimant must disclose whether he or she owes a child support obligation which is being enforced by the child support recovery unit. If so, the Agency shall notify the child support recovery unit of the individual's disclosure and deduct and withhold from benefits payable to the individual the amount specified by the individual. See Iowa Code § 96.3-9.

The claimant disclosed his child support obligation and Iowa Workforce is mandated to deduct and withhold it from his benefits. The appeal hearing was set up in error as the Agency's deduction of child support from the claimant's unemployment insurance benefits is not an appealable issue.

DECISION:

The unemployment insurance decision dated January 22, 2013, reference 01, is affirmed. Iowa Workforce Development Department is mandated to deduct and withhold amounts owed by a claimant for child support obligations.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/tll