

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TRAVIS D MERKES**  
Claimant

**APPEAL 17A-UI-02196-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/31/15  
Claimant: Appellant (     )**

Iowa Code § 421.17(27) – State Income Tax Refund Offset Authority  
Iowa Code § 8A.504 – Setoff Procedures (IDAS)  
Iowa Code § 96.11(16) – Reimbursement of Setoff Costs  
Iowa Admin. Code r. 871-25.16 – State Income Tax Refund Offset  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 16, 2017, (reference 05) decision that gave notice that claimant's 2016, Iowa income tax refund was going to be withheld to apply to an overpayment of unemployment insurance benefits, which the claimant owed to Iowa Workforce Development. After due notice was issued, a hearing was scheduled to be held by telephone conference call on March 21, 2017. The claimant participated.

**ISSUE:**

Is the withholding of the claimant's state income tax refund to offset a prior overpayment of benefits authorized?

**FINDINGS OF FACT:**

Having reviewed the administrative record, the administrative law judge finds: A representative's decision dated November 6, 2015 notified claimant of an overpayment related to reporting wages. The overpayment amount was \$1896.00. The claimant did not appeal the decision, which has become final. The state treasurer has notified the Iowa Workforce Development Department that the claimant has an Iowa income tax refund for 2016, of at least \$50.00.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the withholding of the Iowa income tax refund to recover the prior overpayment is valid. The administrative law judge concludes that it is.

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 the Iowa Workforce Development Department to withhold the state income tax refund owing to the claimant to apply to an overpayment of benefits which that same claimant owes to the Iowa Workforce Development Department so long as both amounts are at least \$50.00. Iowa Code § 96.11(16) allows reimbursement of setoff costs. The claimant owes the Iowa Workforce Development Department \$1896.00 in benefits he received in 2013 and 2014, to which he was not entitled and he has an Iowa income tax refund of at least \$50.00. Therefore, the Iowa Workforce Development Department is legally authorized to withhold that Iowa income tax refund up to the amount of the overpayment of benefits, plus a \$7.00 transfer fee, which the claimant owes to the Iowa Workforce Development Department.

**DECISION:**

The representative's decision dated February 16, 2017, (reference 05) is affirmed. The Iowa Workforce Development Department has legal authority to withhold the Iowa income tax refund owed to the claimant to apply to the overpayment of benefits, which that individual owes to the Iowa Workforce Development Department.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

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