

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRENT O WILLIAMS**  
Claimant

**APPEAL 17A-UI-06095-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/02/17  
Claimant: Appellant (1)**

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42 USC 503(G)1 – Withholding under an Inter-State Agreement  
20 CFR 616.8(e) -- Repayment

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the June 12, 2017, (reference 05) decision that notified him that his Iowa unemployment insurance benefits would be withheld to repay an overpayment he had in the state of New Mexico. After due notice was issued, a hearing was held by telephone conference call on June 29, 2017. Claimant participated. Official notice was taken of agency records.

**ISSUE:**

Can the claimant's Iowa benefits be withheld and transferred to the State of New Mexico?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has an overpayment due to the state of New Mexico in the amount of \$476.00. The claimant has an Iowa claim with an effective date of April 2, 2017. The claimant's Iowa claim is not a combined wage claim with any other state. Iowa and New Mexico have an inter-state agreement for recovery of benefits.

**REASONING AND CONCLUSIONS OF LAW**

The claimant is overpaid unemployment benefits in New Mexico which has requested the recovery of those benefits from Iowa. Under 20 CFR 616.8(E) and 42 USC 503.G(1) the request was properly made for an interstate recovery of benefits and the claimant's benefits shall be withheld to offset the overpayment.

20 CFR 616.8(E) provides in relevant part:

*(e) Recovery of prior overpayments.* If there is an overpayment outstanding in a transferring State and such transferring State so requests, the overpayment shall be deducted from any benefits the paying State would otherwise pay to the claimant on his/her Combined-Wage Claim except to the extent prohibited by the law of the paying State. The paying State shall transmit

the amount deducted to the transferring State or credit the deduction against the transferring State's required reimbursement under this arrangement. This paragraph shall apply to overpayments only if the transferring State certifies to the paying State that the determination of overpayment was made within 3 years before the Combined-Wage Claim was filed and that repayment by the claimant is legally required and enforceable against him/her under the law of the transferring State.

**DECISION:**

The representative's decision dated June 12, 2017, (reference 05), is affirmed. The claimant's unemployment benefits may be withheld in order to offset the overpayment of unemployment benefit in New Mexico.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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