

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
 68-0157 (7-97) – 3091078 - EI

Appeal Number: 04A-UI-01606-B
OC 12/30/01 R 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

ANDREW J MORGAN
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STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

VICKI RAMIREZ
 UISC
 150 DES MOINES ST
 DES MOINES IA 50309

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-7 - Recovery of Benefit Overpayment
 871 IAC 25.16 - Offset of State Income Tax Refund

STATEMENT OF THE CASE:

The claimant filed an appeal from a February 12, 2004, reference 01, decision which notified him that his 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, formerly known as Job Service. After due notice was issued, a hearing was held in Des Moines, Iowa on March 18, 2004. The claimant participated in the hearing.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was disqualified and notified by a representative's decision that he was overpaid in the amount of \$1,128.00. The claimant had not cashed the benefit checks and returned to Iowa Workforce two checks each written for \$479.40. However, taxes had already been taken out of the payments and paid to the government on behalf of the claimant. Therefore, the remaining overpayment amount was \$169.20. The claimant did not appeal the decision and the decision became final. The state treasurer has notified the Iowa Workforce Development Department that the claimant has an Iowa income tax refund for 2004 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 Section 421.17(29) 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. 871 IAC 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. The claimant owes the Iowa Workforce Development Department \$169.20 in benefits he received in 2002 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, which the claimant owes to the Iowa Workforce Development Department.

DECISION:

The representative's decision dated February 12, 2004, reference 01, 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 he owes to the Iowa Workforce Development Department.

sdb/kjf