

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN M ANSON
Claimant

APPEAL 17A-UI-03393-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/27/13
Claimant: Appellant (1)**

Iowa Code § 8A.504 – Setoff Procedures (IDAS)
Iowa Code § 421.17(27) – State Income Tax Refund Offset Authority
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 March 20, 2017, (reference 04) unemployment insurance 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 April 25, 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 March 20, 2017, (reference 04) notified claimant of an overpayment related to disqualifying separation from Hy-Vee, which was affirmed by the ALJ decision on December 4, 2014. That decision was affirmed by the Employment Appeal Board on January 14, 2015. The claimant did not appeal the Employment Appeal Board disqualification decision, which has become final. The remaining overpayment amount was \$6528.42, \$137.00 of which was recovered by withholding the 2016 Iowa state income tax refund, leaving a balance of \$6391.42. The state treasurer has notified Iowa Workforce Development that the claimant has an Iowa income tax refund for 2016, of at least \$50.00 and intends to withhold \$185.00, plus a \$7.00 transfer fee. Claimant files singly.

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(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 Iowa Workforce Development to withhold the state income tax refund owing to the claimant to apply to an overpayment of benefits which that same claimant owes to Iowa Workforce Development so long as both amounts are at least \$50.00. Iowa Code section 96.11(16) allows reimbursement of setoff costs. The claimant owes Iowa Workforce Development \$6391.00 in gross 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, Iowa Workforce Development 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 Iowa Workforce Development.

DECISION:

The unemployment insurance decision dated March 20, 2017, (reference 04) is affirmed. Iowa Workforce Development does have 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 Iowa Workforce Development.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/