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

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IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT

Appeal Number: 06A-UI-01481-ET
OC: 06-12-05   R: 02
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 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.

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.

_____
(Administrative Law Judge)

_____
(Decision Dated & Mailed)

Section 96.3-7 - Recovery of Benefit Overpayment
871IAC25.16 - Offset of State Income Tax Refund

STATEMENT OF THE CASE:

The claimant filed an appeal from a February 2, 2006, reference 04, decision which notified her that her 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 scheduled by telephone conference call on February 23, 2006. The claimant participated in the hearing.

FINDINGS OF FACT:

Having reviewed the administrative record, the administrative law judge finds: The claimant was notified by a decision of Administrative Law Judge G. Kent Renegar dated May 29, 2002, that she was overpaid unemployment insurance benefits in the amount of $2,511.00. The claimant appealed that decision to the Employment Appeal Board who affirmed Judge Renegar's decision and it has become final. The State Treasurer has notified Iowa Workforce Development that the claimant has an Iowa income tax refund for 2005 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 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 as long as both amounts are at least $50.00. The claimant owes Iowa Workforce Development $2,407.00 in benefits received in 2002 to which she was not entitled and 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, which the claimant owes to Iowa Workforce Development.

DECISION:

The representative's decision dated February 2, 2006, reference 04, is affirmed. Iowa Workforce Development 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 Iowa Workforce Development.

je/s