

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JOHN A DOHRN**  
Claimant

**APPEAL NO. 12A-UI-01558-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/12/11**  
**Claimant: Appellant (1)**

871 IAC 23.43(9)a – Cross Wage Claim Relief of Charges  
871 IAC 616.8(e) – Responsibilities of the Paying State  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

John Dohrn (claimant) appealed a representative's February 9, 2012 decision (reference 02) that concluded his Illinois overpayment of unemployment insurance benefits would be withheld from his Iowa claim. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was scheduled for March 5, 2012. The claimant participated personally.

**ISSUE:**

The issue is whether the withholding of Iowa unemployment benefits to recover a prior overpayment in the state of Illinois is valid.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant has an overpayment for unemployment insurance benefits in the state of Illinois. The state of Illinois requested that the state of Iowa collect that overpayment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the withholding of Iowa unemployment benefits to recover a prior overpayment in the state of Illinois is valid.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code § 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no

reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

616.8 - Responsibilities of the paying State.

(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 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 under the law of the transferring State.

The requirements of the statute have been met. The withholding of Iowa unemployment benefits to recover a prior overpayment in the state of Illinois is valid.

**DECISION:**

The representative's February 9, 2012 decision (reference 02) is affirmed. The withholding of Iowa unemployment benefits to recover a prior overpayment in the state of Illinois is valid.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs