

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Regulatory Analysis

Notice of Intended Action to be published: 495—Chapter 11
“Application for, Modification of, and Termination of Benefits”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 97B.4 and 97B.15

State or federal law(s) implemented by the rulemaking: Executive Order 10 and Iowa Code sections 17A.3, 97B.4, and 97B.15

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

May 5, 2026
1 to 2 p.m.

IPERS Boardroom
7401 Register Drive
Des Moines, Iowa
Via videoconference call:
[Join Online Meeting](#)
Meeting ID: 243 870 453 017 71
Passcode: kM68fC6e

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Employees' Retirement System (IPERS) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Cheryl Vander Hart
Iowa Public Employees' Retirement System
7401 Register Drive
Des Moines, Iowa 50321
Phone: 515.281.7623
Email: cheryl.vanderhart@ipers.org

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, IPERS removed restrictive terms, combined or eliminated duplicative language, and made editorial updates to ensure this proposed chapter reflects current policies and procedures. IPERS is a State retirement system that provides for the payment of annuities, enables employees to care for themselves in retirement, improves public employment within the State, reduces excessive personnel turnover, and offers suitable attraction to public service. IPERS is required to administer the retirement system.

Analysis of Impact

- Persons affected by the proposed rulemaking:**
 - Classes of persons that will bear the costs of the proposed rulemaking:**
This proposed rulemaking does not incur cost to the public.
 - Classes of persons that will benefit from the proposed rulemaking:**

This proposed rulemaking will benefit all IPERS members, beneficiaries, and IPERS-covered public employers.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• **Quantitative description of impact:**

This proposed rulemaking will benefit over 2,000 IPERS-covered employers and over 400,000 IPERS members by removing restrictive terms and reducing duplicative terms found in the Iowa Administrative Code and in the Iowa Code.

• **Qualitative description of impact:**

This proposed rulemaking will benefit all IPERS members, beneficiaries, and IPERS-covered public employers.

3. Costs to the State:

• **Implementation and enforcement costs borne by the agency or any other agency:**

IPERS has always incurred personnel and other administrative costs associated with implementing the agency's administrative rules while carrying out agency functions. Implementation of this proposed rulemaking adds no additional expense.

• **Anticipated effect on State revenues:**

This proposed rulemaking will not impact State revenues. IPERS is a trust fund, separate and distinct from the General Fund of the State.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

IPERS is required to adopt rules to regulate and provide for the nature and extent of the proofs and evidence, and their method of taking, in order to establish the right to benefits authorized under Iowa Code chapter 97B.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

IPERS has not identified any less costly methods or less intrusive methods.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

• Establish less stringent compliance or reporting requirements in the rulemaking for small business.

• Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

• Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

• Establish performance standards to replace design or operational standards in the rulemaking for small business.

• Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking does not create a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 495—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11

APPLICATION FOR, MODIFICATION OF, AND TERMINATION OF BENEFITS

495—11.1(97B) Application for benefits.

11.1(1) Form used. It is the member's responsibility to notify IPERS of the intention to retire by, as provided in Iowa Code section 97B.25, submitting an application for benefits on a form furnished by IPERS at least 60 days before the expected retirement date. IPERS will return an incomplete or incorrectly completed application to the member. Complete applications include:

- a. Proof of date of birth for the member, if not previously verified by IPERS.
- b. Option selected, and
 - (1) If Option 1 is selected, the death benefit amount.
 - (2) If Option 4 or 6 is selected, the contingent annuitant's name, social security number, proof of date of birth, and relationship to member. The member must designate the survivor benefit percentage, which is limited to one of the following:
 1. One hundred percent of the member's benefit amount.
 2. Seventy-five percent of the member's benefit amount.
 3. Fifty percent of the member's benefit amount.
 4. Twenty-five percent of the member's benefit amount.
- (3) If Option 1, 2, or 5 is selected, a list of beneficiaries.
- c. If the member has been terminated less than one year, or is applying for disability benefits, the employer must complete the employer certification page unless the employer has provided the termination date and last paycheck date on the monthly wage reports.
- d. Member and spouse's signature.
- e. If the member has no spouse, designate "NONE".
- f. If the member is applying for regular disability benefits, a copy of the award letter from the Social Security Administration or railroad retirement.
- g. An indication whether the member is a U.S. citizen, resident alien, or non-U.S. citizen. Pursuant to Iowa Code section 97B.25, a retirement application is valid and binding on the date the first payment is paid and members cannot cancel their applications, change their option choice, or change an IPERS option containing contingent annuitant benefits after that date.

11.1(2) Proof required in connection with application. Acceptable proof of date of birth submitted with an application for benefits includes: a birth certificate, a U.S. passport, an infant baptismal certificate, an identification card or driver's license issued by the state of Iowa, a state identification card that is issued in compliance with the REAL ID Act of 2005, or a driver's license that is issued in compliance with the REAL ID Act of 2005. If these records do not exist, the applicant must submit two other documents or records which will verify the day, month and year of birth. IPERS may accept a photographic identification record even if now expired unless time has made it impossible to determine if the photographic identification record belongs to the applicant. IPERS deems the following records or documents acceptable as proof of date of birth:

- a. United States census record;
- b. Military record or identification card;
- c. Naturalization record;
- d. A marriage license showing age of applicant in years, months and days on date of issuance;
- e. A life insurance policy;
- f. Records in a school's administrative office;

- g. An official document from the U.S. Citizenship and Immigration Services, such as a “green card,” containing such information;
- h. Driver’s license or Iowa nondriver identification card;
- i. Adoption papers; or
- j. Any other document or record ten or more years old, or certification from the custodian of such records that verifies the day, month, and year of birth.

If the member, the member’s representative, or the member’s beneficiary is unable or unwilling to provide proof of birth, or in the case of death, proof of death, IPERS may rely on such resources as it has available, including but not limited to records from the Social Security Administration, Iowa division of records and statistics, IPERS’ own internal records, or reports derived from other public records, and other departmental or governmental records to which IPERS may have access.

IPERS must begin making payments to a member or beneficiary who has reached the required beginning date specified by Internal Revenue Code Section 401(a)(9). In order to begin making such payments and to protect IPERS’ status as a plan qualified under Internal Revenue Code Section 401(a), IPERS may rely on its internal records with regard to date of birth, if the member or beneficiary is unable or unwilling to provide the proofs required by this subrule within 30 days after written notification of IPERS’ intent to begin mandatory payments.

11.1(3) *Benefits estimates.* Upon request, IPERS will prepare projected benefits estimates under Iowa Code section 97B.51. A benefit estimate does not bind IPERS to projected benefits payments under the various options specified in Iowa Code chapter 97B. IPERS is not liable or responsible for a member’s reliance on the benefit estimate in making any retirement-related decision or taking any action with respect to the member’s account. An estimate does not include deductions for a qualified domestic relations order (QDRO) or any other legal assignments or orders on a member’s account unless specifically requested by the member. A member’s actual benefit can only be known and officially calculated when an eligible member applies for benefits.

11.1(4) *Revocation of application.* If IPERS determines an application for benefits under Iowa Code section 97B.25 is invalid for any reason, IPERS revokes, in whole or in pertinent part, the application for benefits and the recipient shall repay all payments made under the revoked application or all payments made pursuant to the revoked part of the application pursuant to the provisions of 495—11.7(97B).

495—11.2(97B) Required beginning date.

11.2(1) *Required beginning date.*

a. IPERS commences payment of a member’s retirement benefit under Iowa Code sections 97B.49A through 97B.49I (under Option 2) no later than the required beginning date pursuant to Iowa Code section 97B.48(4). The “required beginning date” means the later of:

(1) April 1 of the year following the year that the member attains the applicable age, determined as follows:

1. For members who turned age 72 before 2023, the applicable age is age 72 (or age 70 ½ if they were born before July 1, 1949), and

2. For members who will turn age 72 after 2022 and age 73 before 2033, the applicable age is age 73; or

(2) April 1 of the year following the year that the member actually terminates all employment with employers covered under Iowa Code chapter 97B.

b. If IPERS distributes a member’s benefits without the member’s consent to begin benefits on or before the required beginning date, the member may elect to receive benefits under an option other than the default option described above, or as a refund, if the member contacts IPERS in writing within 60 days of the first mandatory distribution. IPERS will inform the member which adjustments or repayments are required to make the change.

c. IPERS will reinstate rights to benefits under Iowa Code section 97B.49 if the member later contacts IPERS and files an application for retirement benefits.

d. To determine benefits, IPERS does not recalculate the life expectancy of a member, a member's spouse, or a member's beneficiary after benefits commence.

e. If an IPERS member has a QDRO on file when a mandatory distribution is required, and the QDRO requires the member to choose a specific retirement option, IPERS will pay benefits under the option required by the order.

11.2(2) *Mandatory distribution of small inactive accounts.* IPERS will distribute small inactive accounts to members and beneficiaries as authorized in Iowa Code section 97B.48(5).

495—11.3(97B) First month of entitlement (FME).

11.3(1) *General.* A member's first month of entitlement, as defined by Iowa Code section 97B.1A(11) is not earlier than the first day of the first month after the member's date of termination from employment or, if later, the month provided for under subrule 11.3(2). IPERS will not pay for any month prior to the month IPERS receives the completed benefits application.

Notwithstanding Iowa Code section 97B.1A(11), if a member files a retirement application but fails to select a valid first month of entitlement, IPERS will select by default the earliest month possible. A member may appeal this default selection by sending written appeal notice postmarked on or before 30 days after IPERS mailed a default notice of the default selection to the member. Notice of the default selection is deemed sufficient if sent to the member at the member's address.

11.3(2) *Additional FME provisions.* Employees of a school corporation, as provided for in Iowa Code sections 260C.16 (community colleges), 273.2 (area education agencies), and 274.1 (K-12 public schools), who are permitted by the terms of their employment contracts to receive their annual salaries in monthly installments over periods ranging from 9 to 12 months, may retire at the end of a school year and receive trailing wages through the end of the contract year if they have completely fulfilled their contract obligations at the time of retirement. In this paragraph, "trailing wages" means previously earned wage payments made to such employees of a school corporation after the first month of entitlement. This exception does not apply to hourly employees, including those who make arrangements with their employers to hold back hourly wages for payment at a later date, to employees who are placed on sick or disability leave or leave of absence, or to employees who receive lump sum leave, vacation leave, early retirement incentive pay or any other lump sum payments in installments.

For all employees of all IPERS-covered employers who terminate employment in January 2003, or later, if the final paycheck is paid within the same quarter or within one quarter after termination and wages are reported under the normal pay schedule, the first month of entitlement is the month following termination. However, if the last paycheck is paid more than one quarter after the termination, the first month of entitlement is the first month after the employee is paid the last paycheck. Such trailing wages will not result in more than one quarter of service credit being added to retiring members' earning records.

11.3(3) *Survival into designated FME.* To determine monthly retirement benefit eligibility under Iowa Code section 97B.1A(11), if the member dies prior to the first month of entitlement, IPERS cancels the member's monthly benefits application and distributes the member's account pursuant to Iowa Code section 97B.52. Cancellation under this subrule will not invalidate a beneficiary designation. If the application is dated later than any other designations, IPERS will accept the designation in a canceled application as binding.

11.3(4) *Members retiring under the rule of 88.* The first month of entitlement of a member qualifying under the rule of 88 is the first of the month when the member's age, as of the last birthday, and years of service equal 88. A member's birthday allowing a member to qualify for the rule of 88 occurring in the same month as the first month of entitlement does not affect the retirement date.

495—11.4(97B) Termination of monthly retirement allowance. A member's retirement benefit terminates after IPERS pays the member for the entire month during which the member dies. Death benefits begin with the month following the month in which the member dies.

Upon the death of the retired member, IPERS will reconcile the decedent's account to determine if IPERS overpaid the retired member and if further payment(s) is due to the retired member's named beneficiary, contingent annuitant, heirs at law or estate. If IPERS overpaid the retired member, IPERS will determine if it should seek collection of the overpayment from the named beneficiary, contingent annuitant, estate, heirs at law, or other interested parties.

495—11.5(97B) Bona fide retirement and bona fide refund.

11.5(1) *Bona fide retirement—general.* To receive retirement benefits under Iowa Code chapter 97B, a member under the age of 70 must have a bona fide retirement as provided in Iowa Code section 97B.52A. Notwithstanding this rule, the continuation of group insurance coverage at employee rates for the remainder of the school year for a school employee who retires following completion of services by that individual does not violate IPERS' bona fide retirement requirements.

A member is not considered to have a bona fide retirement if the member is a school or university employee and returns to work with the employer after the normal summer vacation. In other positions, temporary or seasonal interruption of service, which does not terminate the period of employment, does not constitute a bona fide retirement. A member is not considered to have a bona fide retirement if the member has, prior to or during the member's first month of entitlement, entered into verbal or written arrangements with the member's former employer(s) to return to employment after the four-month bona fide retirement period expires.

A school employee is not considered terminated if, while performing the normal duties, the employee performs additional duties for the same employer that take the employee beyond the expected termination date for the normal duties. IPERS considers the employee terminated only when all the employee's compensated duties cease for that employer.

The bona fide retirement period is waived for an elected official covered under Iowa Code section 97B.1A(8)"a"(1), and for a member of the general assembly covered under Iowa Code section 97B.1A(8)"a"(2), when the elected official or legislator notifies IPERS of the intent to terminate IPERS coverage for the elective office and, at the same time, terminates all other IPERS-covered employment prior to the issuance of the retirement benefit. Such an elected official or legislator may remain in the elective office and receive an IPERS retirement without violating IPERS' bona fide retirement rules. If such elected official or legislator terminates coverage for the elective office and also terminates all other IPERS-covered employment but is then reemployed in covered employment, and has not received a retirement as of the date of hire, the retirement will not be made. If such elected official or legislator is reemployed in covered employment, the election to revoke IPERS coverage for the elective position will remain in effect, and the elected official or legislator will not be eligible for new IPERS coverage for such elected position. The prior election to revoke IPERS coverage for the elected position remains in effect if such elected official or legislator is reelected to the same position without an intervening term out of office.

The bona fide retirement period is waived if the member was elected to public office as a part-time elected official or a member of the general assembly and the member's term begins during the normal four-month bona fide retirement period. This includes elected officials who are covered under this chapter as defined in Iowa Code section 97B.1A. This waiver does not apply if the member was an elected official who was reelected to the same position for another term.

A member does not have a bona fide retirement until all employment with covered employers, including employment that is not covered under this chapter, is terminated for at least one month, and the member does not return to covered employment for an additional three months. In order to receive retirement benefits, the member must file a completed application for benefits before returning to any employment with a covered employer.

A member does not have a bona fide retirement if the member makes a verbal or written arrangement to perform duties for the member's former employer(s) as an independent contractor before or during the member's first month of entitlement, and the member may not perform any duties

for the member's former employer(s) as an independent contractor prior to receiving one month of retirement benefits.

11.5(2) *Bona fide refund.* To be eligible for a lump sum refund under Iowa Code section 97B.53, a member terminated from covered employment needs to incur a bona fide separation from service and remain out of employment, as described in Iowa Code section 97B.42, for at least 30 days with all covered employers. This paragraph does not apply to services rendered as an elected official covered under Iowa Code section 97B.1A(8) "a"(1), and for a member of the general assembly covered under Iowa Code section 97B.1A(8) "a"(2). IPERS will not make a refund if such elected official terminates coverage for the elective office and also terminates all other IPERS-covered employment but is then reemployed in covered employment and has not received a refund as of the date of hire. If such elected official is reemployed in covered employment, the election to revoke IPERS coverage for the elective position shall remain in effect, and the public official is not eligible for new IPERS coverage for such elected position.

The prior election to revoke IPERS coverage for the elected position remains in effect if such elected official is reelected to the same position without an intervening term out of office. The waiver granted in this subrule is applicable to such elected officials who violated the prior bona fide refund rules on and after November 1, 2002, when such individuals failed to repay the previously invalid refund.

If a member takes a refund in violation of the bona fide refund requirements of Iowa Code section 97B.53(4), the member may return the refund during the bona fide retirement period and restore the member's account. If the repayment is not made, the member will receive no credit for the period covered by the refund. At retirement, the member may purchase, at actuarial cost, the service credit covered by the refund.

11.5(3) *Part-time appointed members of boards or commissions receiving minimal noncovered wages.* Solely for purposes of determining whether a member has severed all employment with all covered employers and has remained out of employment as required under Iowa Code section 97B.52A, persons who have been appointed as part-time members of boards or commissions prior to or during their first month of entitlement and who receive only per diem and reimbursements for reasonable business expenses for such positions will be deemed not to be in employment prohibited under Iowa Code section 97B.52A.

For purposes of this subrule, per diem will not exceed the amount authorized under Iowa Code section 7E.6(1) "a" for members of boards, committees, commissions, and councils within the executive branch of state government. This limit applies regardless of whether the position in question is within the executive branch of state government.

Members of boards and commissions not exempted under this subrule include: (a) those who are entitled to the payment of per diem regardless of attendance at board or commission meetings, and (b) those who would have received per diem in excess of the amount authorized under Iowa Code section 7E.6(1) "a" were it not for an agreement by the member to waive such compensation.

Persons appointed as part-time board or commission members who receive only per diem as set forth above and reimbursements of reasonable business expenses may continue in or accept appointments to such positions without violating the bona fide retirement rules under Iowa Code section 97B.52A.

11.5(4) *Members of the national guard who are called into state active duty.* Effective May 25, 2008, members of the national guard who are called into state active duty as defined in Iowa Code section 29A.1 in noncovered positions during the required period of complete severance will not be in violation of the bona fide retirement requirements of Iowa Code section 97B.52A.

495—11.6(97B) Payment processing and administration.

11.6(1) *Monthly paper warrants processing fee.* Effective July 1, 2005, IPERS will charge a \$10 per-warrant processing fee to members who choose to receive paper warrants in lieu of electronic deposits of their monthly retirement allowance. The fee may be waived if the person establishes, to

IPERS' satisfaction, that it would be unduly burdensome because of the member's limited income or is otherwise financially burdensome or physically impracticable for the person to do what is necessary to receive payment of the person's IPERS monthly retirement allowance by electronic deposit. The processing fee will be deducted from the member's retirement allowance on a posttax basis.

11.6(2) *Repeated requests for replacement warrants.* Effective July 1, 2002, for a member or beneficiary who, due to the member's or beneficiary's own actions or inactions, has benefits warrants replaced twice in a six-month period, except when the need for a replacement warrant is caused by IPERS' failure to mail to the address specified by the recipient, payment will be suspended until such time as the recipient establishes a direct deposit account in a bank, credit union or similar financial institution and provides IPERS with the information necessary to make electronic transfer of said monthly payments. Persons subject to said cases may be required to provide a face-to-face interview and additional documentation to prove that such a suspension would result in an undue hardship.

11.6(3) *Forgery claims.* To allege a forgery of a warrant issued in payment of an IPERS refund or benefit, the claimant will complete and sign an affidavit before a notary public that the endorsement is a forgery. A supplementary statement must be attached to the affidavit setting forth the details and circumstances of the alleged forgery.

11.6(4) *Rollover fees.* If the recipient of a lump-sum distribution that qualifies to be rolled over requests that a rollover be made to more than one IRA or other qualified plan, IPERS may assess a \$5 administrative fee for each additional rollover beyond the first one. The fee will be deducted from the gross amount of each distribution, less federal and state income tax.

11.6(5) *Offsets against amounts payable.* IPERS may, with or without consent and upon reasonable proof thereof, offset amounts currently payable to a member or the member's designated beneficiaries, heirs, assigns or other successors in interest by the amount of IPERS benefits paid in error to or on behalf of such member or the member's designated beneficiaries, heirs, assigns or other successors in interest.

11.6(6) *Lump sum paper warrants processing fee.* IPERS may charge \$10 for paper warrants issued in payment of all nonrecurring lump sum distributions. If a nonrecurring lump sum distribution is followed by a supplemental lump sum distribution due to the reporting of additional covered wages, the \$10 processing fee may also be charged. This \$10 processing fee will not apply to a direct rollover described under Iowa Code section 97B.53B (however, processing fees may be charged for multiple rollover requests), lump sum mandatory account distributions required under Iowa Code section 97B.48(5), mandatory lump sum distributions required under Internal Revenue Code Section 401(9), or warrants reissued in forged endorsement or other fraudulent payment situations.

495—11.7(97B) Overpayment of IPERS benefits.

11.7(1) *Overpayments—general.*

a. An "overpayment" means a payment of money by IPERS that results in a recipient receiving a higher payment than the recipient is entitled to under the provisions of Iowa Code chapter 97B.

b. A "recipient" is a person or beneficiary, heir, assign, or other successor in interest who receives an overpayment from an IPERS benefit and is liable to repay the amount(s) upon receipt of a written explanation and request for the amounts to be repaid.

c. If IPERS determines that the cost of recovering the amount of an overpayment is estimated to exceed the overpayment, the repayment may be deemed to be unrecoverable.

d. If the overpayment is equal to or less than \$50 and cannot be recovered from other IPERS payments, IPERS may limit its recovery efforts to written requests for repayment and other nonjudicial remedies.

11.7(2) *Overpayment made to a retired member.* IPERS will send retired members written notice of overpayment, including the reason for the overpayment, the amount of the overpayment, and a limited opportunity to repay the overpayment in full without interest. If a retired member repays an overpayment in full within 30 days after the date of the notice, there will be no interest charge. A retired member may repay an overpayment out of pocket or direct IPERS to recover the overpayment

from future retirement benefit payments, or a combination of both. If the retired member cannot repay an overpayment in full, either out of pocket or from the next monthly installment of retirement benefits, or both, interest will be charged. IPERS will enter into a monthly installment agreement or offset agreement, with any unpaid balance as a first priority claim in the recipient's estate, with any retired member who cannot repay the full amount of the overpayment within 30 days after the date of the notice.

11.7(3) *Overpayment made to a person other than a retired member.* A recipient other than a retired member, except a recipient listed in subrule 11.5(2), will receive written notice of overpayment, including the reason for the overpayment, the amount of the overpayment, and the opportunity to repay the overpayment in full without interest. If such a recipient repays an overpayment in full within 30 days after the date of the notice, there will be no interest charge. If such a recipient cannot repay an overpayment in full within 30 days after the date of the notice, IPERS will charge interest. If repayment in full cannot be made within 30 days, such a recipient will make repayment arrangements subject to IPERS' approval within 30 days of the written notice and request for repayment.

If the overpayment recipient cannot be located to receive notice of the overpayment at the recipient's last-known address, IPERS will, after trying to locate the person, consider the recipient to have waived entitlement to the quarters covered by the refund.

11.7(4) *Interest charges.*

a. Overpayment not fraudulent. If the overpayment of benefits, other than an overpayment that results from a violation described in subrule 11.5(2), was not the result of wrongdoing, negligence, misrepresentation, or omission of the recipient, the recipient is liable to pay interest charges at the rate of 5 percent, or the rate IPERS determines, on the outstanding balance, beginning 30 days after the date of notice of the overpayment(s) is provided by IPERS.

b. Overpayments in violation of Iowa Code section 97B.40 or 715A.8. If the overpayment of benefits, other than an overpayment that results from a violation described in subrule 11.5(2), was the result of wrongdoing, negligence, misrepresentation, or omission of the recipient, the recipient is liable to pay interest charges at the rate of 7 percent on the outstanding balance, beginning on the date of the overpayment(s).

c. Overpayments that result in a judgment. In addition to other remedies, IPERS may file a civil action to recover overpayments, and the interest rate may be set by the court.

11.7(5) *Recovery of overpayment from a deceased recipient.* If a recipient dies prior to the full repayment of an erroneous overpayment of benefits, IPERS is entitled to apply to the estate of the deceased to recover the remaining balance.

11.7(6) *Offsets against amounts payable.* IPERS may, in addition to other remedies and after notice to the recipient, request an offset against amounts owing to the recipient by the state according to the offset procedures pursuant to Iowa Code section 421.65.

11.7(7) *Rights of appeal.* A recipient who is notified of an overpayment and required to make repayments under this rule may appeal IPERS' determination in writing to the CEO or CEO's designee. The written request must explain the basis of the appeal and must be received by IPERS' office within 30 days of overpayment notice pursuant to 495—Chapter 26.

11.7(8) *Release of overpayment.* IPERS may release a recipient from liability to repay an overpayment, in whole or in part, if IPERS determines that the receipt of overpayment is not the fault of the recipient, and that it would be contrary to equity and good conscience to collect the overpayment. No release of an individual recipient's obligation to repay an overpayment will stand as precedent for release of another recipient's obligation to repay an overpayment.

These rules are intended to implement Iowa Code sections 97B.4, 97B.9A, 97B.15, 97B.25, 97B.38, 97B.40, 97B.45, 97B.47, 97B.48, 97B.48A, 97B.49A through 97B.49I, 97B.50, 97B.51 through 97B.53, and 97B.53B.