

**871—25.9(96) Administrative penalties.**

**25.9(1)** An administrative penalty may be imposed on a claimant as per Iowa Code section 96.5(8).

**25.9(2)** Penalties.

*a.* Any penalties imposed by this rule shall be in addition to those imposed by Iowa Code section 96.16.

*b.* The general guide for disqualifications for deliberate falsification for the purpose of obtaining or increasing unemployment insurance benefits is listed below. It is intended to be used as a guide only and is not a substitute for the personal subjective judgment of the investigator. The administrative penalty recommended for falsification ranges from three weeks through the end of the benefit year. The department may also consider the filing of criminal charges whenever an administrative penalty is imposed against a claimant. If the same offense is repeated, loss of benefits through the end of the benefit year will result.

*c.* The department shall issue a determination that sets forth the specific penalty being applied. The investigator will determine the degree and severity of the penalty based upon the nature of the offense and the facts.

**25.9(3)** Sources of information concerning the application of an administrative penalty shall be the same as those pertaining to fraud and overpayment, namely:

*a.* Comparative analysis of employer wage reports and benefit payments.

*b.* Information obtained by a local office.

*c.* Tips and leads from other sources.

*d.* Cross-checking of information regarding vital statistics from the department of health and human services.

*e.* Review of claims using social security numbers not issued by the social security administration.

*f.* Cross-checking of information from the Iowa centralized employer registry.

*g.* Cross-checking of information with the National Directory of New Hires.

*h.* Cross-checking of information on incarcerated individuals from the department of corrections.

*i.* Cross-checking of information with fraud detection tools identified by the department.

**25.9(4)** The claimant shall be notified of the possible application of the administrative penalty by Form 65-5315, Notice of Unemployment Insurance Fact-Finding Interview, in the same manner a claimant is notified of a possible overpayment.

**25.9(5)** The claimant shall be afforded an opportunity to give testimony, either refuting or affirming the allegation of intent to defraud and may be represented by legal counsel.

**25.9(6)** In the event any claimant is aggrieved by the representative's determination assessing an administrative penalty or by the severity of the penalty assessed, such claimant shall have the same protest and appeal rights as provided for all other determinations.

**25.9(7)** A criminal conviction of a claimant for fraud or a court order requiring restitution for the amount of the overpayment shall not preclude the investigation and recovery unit from also imposing an administrative penalty denying further benefits to the claimant for a period of time not to exceed the remainder of said claimant's benefit year and including the week in which such determination is made by the investigation and recovery unit.

This rule is intended to implement Iowa Code sections 96.5(8), 96.11(1), and 96.11(10).

[ARC 8361C, IAB 11/13/24, effective 12/18/24]