

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ROBERT D KIEFER**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-09384-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: Appellant (2)**

Iowa Code §96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Robert D Kiefer, the claimant/appellant, filed an appeal from the March 29, 2021, (reference 03) unemployment insurance decision that concluded he was overpaid REGULAR unemployment insurance benefits in the amount of \$1,443.00. Mr. Kiefer was properly notified of the hearing. A telephone hearing was held on June 17, 2021. Mr. Kiefer participated and testified. Mike Nicholas, Local 105 union representative and Jason Mucciarone, human resources representative from employer Arconic participated on behalf of Mr. Kiefer. Official notice was taken of the administrative record.

**ISSUES:**

Has Mr. Kiefer been overpaid REGULAR UI benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Kiefer received REGULAR UI benefits in the amount of \$1,443.00 for the three weeks between March 19, 2020 and May 9, 2020.

On July 10, 2020, Iowa Workforce Development issued a reference 01 decision finding Mr. Kiefer was not eligible for REGULAR UI benefits. Mr. Kiefer appealed. The administrative law judge's decision in Appeal 20A-UI-08506-JT affirmed the reference 01 decision. Mr. Kiefer appealed to the Employment Appeal Board (EAB). The EAB decision in 20B-UI-08506-EAB affirmed the administrative law judge's decision.

On July 22, 2020, Iowa Workforce Development issued a reference 02 decision finding Mr. Kiefer was eligible for REGULAR UI benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Mr. Kiefer was not overpaid REGULAR UI benefits.

Iowa Code §96.3(7) provides, in pertinent part:

*7. Recovery of overpayment of benefits.*

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Mr. Kiefer has not been overpaid REGULAR UI benefits, since he is qualified and/or eligible to receive REGULAR UI benefits per the July 22, 2020, (reference 02) decision.

**DECISION:**

The March 29, 2021, (reference 03) unemployment insurance decision is reversed. Mr. Kiefer has not been overpaid REGULAR benefits.



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Administrative Law Judge  
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June 30, 2021  
Decision Dated and Mailed

dz/scn