

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MA T KYI**  
Claimant

**APPEAL 22A-UI-10414-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/30/21  
Claimant: Appellant (1)**

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Iowa Code § 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

On April 26, 2022, Ma Kyi (claimant/appellant) filed an appeal from the Iowa Workforce Development (“IWD”) decision dated April 18, 2022 (reference 02) that determined claimant was overpaid unemployment insurance benefits in the amount of \$2,991.00 for eight weeks between May 30 and July 24, 2021 based on a prior decision denying benefits.

A telephone hearing was held on June 9, 2022. The parties were properly notified of the hearing. Appeal Nos. 22A-UI-10413, 22A-UI-10414, and 22A-UI-10415 are related and were heard together, forming a single hearing record. Claimant participated personally and with the assistance of a Burmese language interpreter. Claimant’s husband, Khine Myint, participated as a witness. Employer Hy-Vee Inc was noticed on 22A-UI-10413 but did not appear or participate.

The fact-finding documents prepared by IWD in issuing the August 19, 2021 (reference 01) decision denying benefits were sent to the parties prior to the hearing and admitted as the Department’s Exhibit 1. No other exhibits were offered or admitted. Official notice was taken of the administrative record.

**ISSUE:**

Was the claimant overpaid regular, state unemployment insurance benefits (UI)?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The administrative record shows claimant received UI in the total amount of \$2,991.00 during the eight weeks between May 30 and July 24, 2021. Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated August 19, 2021. That decision has now been affirmed. See 22A-UI-10413.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated April 18, 2022 (reference 02) that determined claimant was overpaid unemployment insurance benefits in the amount of \$2,991.00 for eight weeks between May 30 and July 24, 2021 based on a prior decision denying benefits is AFFIRMED.

Iowa Code section 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.

The administrative record shows claimant received UI in the total amount of \$2,991.00 during the eight weeks between May 30 and July 24, 2021. Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated August 19, 2021. That decision has now been affirmed. See 22A-UI-10413.

Claimant received UI in the total amount of \$2,991.00 during a period when she was ineligible for benefits. She has therefore been overpaid UI in that amount.

**DECISION:**

The decision dated April 18, 2022 (reference 02) that determined claimant was overpaid unemployment insurance benefits in the amount of \$2,991.00 for eight weeks between May 30 and July 24, 2021 based on a prior decision denying benefits is AFFIRMED.



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Andrew B. Duffelmeyer  
Administrative Law Judge

June 14, 2022  
Decision Dated and Mailed

abd/abd