

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DENNIS E RYAN**  
Claimant

**APPEAL NO. 10A-UI-04660-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/04/09**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Dennis E. Ryan filed a timely appeal from the March 19, 2010, reference 07, decision holding he had been overpaid unemployment benefits in the amount of \$3,088.00 for the eight weeks ending February 27, 2010. A hearing was scheduled for April 28, 2010. Prior to the hearing being held, the claimant with his attorney, Charles Pierce of the Iowa Legal Aid Society, requested that the appeal be withdrawn as the amount outstanding overpayment amount has now been noted as a zero balance in agency records dated March 23, 2010.

**ISSUE:**

The issue in this matter is whether the appellant herein should be allowed to withdraw his appeal filed March 26, 2010.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that the agency decision holding the claimant liable to repay \$3,088.00 in overpayment of benefits dated March 19, 2010, reference 07, has been superceded by agency documentation dated March 23, 2010 finding that the overpayment in question has been fully repaid and has a zero balance. The request was made by the appealing party to withdraw the appeal. The request has been submitted on the record.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 26.8(1) provides:

- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The administrative law judge has reviewed the record and files and concludes that the request of the appealing party to withdraw the appeal should be approved as the overpayment decision has been superseded by agency documentation showing that the full amount has been repaid.

**DECISION:**

The agency representative's decision dated March 19, 2010, reference 07, is modified. The request of the appealing party to withdraw the appeal is approved as the overpayment decision has been superseded by Agency Records establishing the overpayment has been fully repaid. The withdrawal of the appeal has been made in reliance on the subsequent finding.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

pjs/pjs