

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHLEEN R CARTER
Claimant

APPEAL NO. 11A-UI-11613-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/31/11
Claimant: Appellant (6)**

Section 96.3-7 – Recovery of Overpayments
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated August 15, 2011, reference 04, that advised her that the State of Iowa would withhold unemployment insurance benefits the claimant may become eligible to receive in order to offset her overpayment from the State of Illinois. Due notice was issued for a telephone hearing to be held September 29, 2011. Prior to the date of the hearing, the claimant requested that the appeal be withdrawn because the issue with the State of Illinois had been resolved.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant, the appellant in this matter, has requested that the appeal be withdrawn.

REASONING AND CONCLUSIONS OF LAW:

A rule found at 871 IAC 26.8(1) allows the administrative law judge to grant an appellant's request for the withdrawal of its appeal. A review of all matters of record persuades the administrative law judge that it is appropriate to allow the withdrawal of this appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

DECISION:

The unemployment insurance decision dated August 15, 2011, reference 04, remains in effect. However, as the issue between the claimant and the State of Illinois has been resolved, the need for Iowa to withhold unemployment insurance benefits is removed.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw