

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**LORI L CHURCH**  
Claimant

**APPEAL NO. 20A-UI-13575-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (6)**

Iowa Code Section 96.3(7) - Overpayment  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 27, 2020, reference 02, decision that held she was overpaid \$3,045.00 in regular benefits for seven weeks between March 22, 2020 and May 9, 2020, based on an administrative law judge decision dated May 12, 2020, that disqualified the claimant for benefits, based on a determination that the claimant was not able and/or not available for work. A hearing was scheduled for December 23, 2020. Prior to the hearing being held, the claimant/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The claimant is the appellant in this matter. On October 30, 2020, the claimant filed a timely appeal from the October 27, 2020, reference 02, decision. An appeal hearing has been set for December 23, 2020. On December 15, 2020, the claimant filed her written request to withdraw the appeal in this matter. The claimant's request prompted the administrative law judge to examine the relevant Agency administrative records, which include a November 23, 2020, reference 03, decision that nullifies and voids the October 30, 2020. overpayment decision, based on a determination that the decision was entered in error. The Agency's administrative records also include reference 04 and reference 05 overpayment decisions that are not part of the present appeal matter and from which the claimant has separate appeal rights. The claimant filed her request to withdraw the appeal in this matter before the administrative law judge entered a decision in connection with the appeal.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge concludes that the appealing party's request to withdraw the appeal in this matter should be approved.

**DECISION:**

The claimant's request to withdraw the appeal is approved. The October 27, 2020, reference 02, decision that held the claimant was overpaid \$3,045.00 in regular benefit for seven weeks between March 22, 2020 and May 9, 2020, based on an administrative law judge decision dated May 12, 2020, that disqualified her for benefits, based on a determination that the claimant was not able and/or not available for work, has been rendered null and void by the November 23, 2020, reference 03, decision. The hearing set for December 23, 2020 is cancelled.

The reference 04 and reference 05 overpayment decisions are not part of the present appeal matter. Those decisions include a right to timely appeal.



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James E. Timberland  
Administrative Law Judge

December 28, 2020  
Decision Dated and Mailed

jet/scn