

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TYSON E DOOLING**  
Claimant

**APPEAL NO: 15A-UI-02211-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/27/14  
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On February 18, 2015, the claimant appealed the Employment Appeal Board's January 29, 2015 decision, Appeal No. 14B-UI-12405, that reversed an administrative law judge's decision and disqualified him from receiving benefits. Even though the claimant wanted to appeal the denial of his unemployment insurance benefits, a hearing was set up from a February 5, 2015 overpayment determination. The claimant understood that if the Employment Appeal Board's decision is reversed, he will not be overpaid and would be eligible to receive benefits. If the Employment Appeal Board's decision is not reversed, he will not be eligible to receive benefits and he would be overpaid benefits he received between November 16, 2014 and January 31, 2015.

At the March 24 hearing, the claimant withdrew the appeal set up on the overpayment of benefits February 5, 2015 determination. Based on the claimant's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

The claimant withdrew his appeal from a determination the Appeals Bureau mistakenly set up from a February 5, 2015 overpayment determination. On February 18, the claimant appealed the denial of his unemployment insurance benefits, not the overpayment determination. The claimant's February 18 determination appeal was forwarded to the Employment Appeal Board to review and consider. The claimant's March 24, 2015 withdrawal request from the February 5, 2015 overpayment determination was recorded.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

The claimant's request to withdraw the appeal set up for the overpayment of benefits February 5 determination is approved.

**DECISION:**

The representative's February 5, 2015 (reference 05) overpayment determination is affirmed until or unless the Employment Appeal Board's decision for Appeal No. 14A-UI-12405 is reversed. The claimant's February 18 appeal was forwarded to the Employment Appeal Board to review consider.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/can