

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ANGELA BURTCH**  
Claimant

**DREAM DENTAL**  
Employer

**APPEAL 21A-UI-18902-AD-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code § 96.6(2) – Filing – Timely Appeal  
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

**STATEMENT OF THE CASE:**

Angela Burtch (claimant/appellant) filed an appeal from the April 21, 2020 (reference 04) unemployment insurance decision that denied benefits.

A telephone hearing was held on October 20, 2021. The parties were properly notified of the hearing. Claimant participated personally and was represented by Attorney Thomas Whorley. Employer participated by Dr. Robert Colwell. Appellant withdrew her appeal on the record and as such no formal hearing was held.

**ISSUE:**

Whether the request to withdraw the appeal should be granted.

**FINDINGS OF FACT:**

Claimant was found to be eligible for Pandemic Unemployment Assistance (PUA) in a decision dated September 14, 2020. She was found to be eligible in the amount of \$481.00 per week effective March 15, 2020. The Department has yet to issue PUA and related FPUC payments to claimant.

The appellant requested to withdraw the appeal on the record during the hearing on October 20, 2021. Claimant requested to withdraw the appeal with the understanding that PUA and related FPUC payments which have yet to be issued will essentially offset any overpayment arising from the earlier denial of regular, state unemployment insurance benefits and related FPUC payments.

**REASONING AND CONCLUSIONS OF LAW:**

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). An oral request must be tape-recorded by the presiding officer. *Id.*

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The appealing party's request to withdraw the appeal of the April 21, 2020 (reference 04) unemployment insurance decision that denied benefits is approved. That decision shall stand and remain in full force and effect.

**REMAND:**

This matter is REMANDED to the Department for issuance of all PUA and related FPUC payments due to claimant, with payments to be withheld to the extent allowed by law in order to off set any outstanding overpayments.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

October 29, 2021  
Decision Dated and Mailed

abd/ol