

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANGELA BURTCH
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-18903-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.3(7) – Overpayment of Benefits
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

Angela Burtch (claimant/appellant) filed an appeal from the August 20, 2021 (reference 06) unemployment insurance decision that determined she was overpaid regular, state unemployment insurance benefits in the amount of \$2,886.00 for the six weeks between March 15 and April 25, 2020 as a result of a decision denying 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. 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 August 20, 2021 (reference 06) unemployment insurance decision that determined she was overpaid regular, state unemployment insurance benefits in the amount of \$2,886.00 for the six weeks between March 15 and April 25, 2020 as a result of a decision denying 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 offset any outstanding overpayments.



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