

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**FERN M ZAHRT**  
Claimant

**APPEAL 18A-UI-10476-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/13/18  
Claimant: Appellant (6)**

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Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 18, 2018, (reference 06) unemployment insurance decision that found she had been overpaid \$254.00 in benefits for the two week period ending October 13, 2018. A telephone hearing was scheduled for November 16, 2018 at 9:05 a.m. At the time of the scheduled hearing, the appellant's non-attorney representative requested the appeal be withdrawn.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was made on the record at the time of the hearing by the appellant's non-attorney representative.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated October 18, 2018, (reference 06) is approved. That decision shall stand and remain in full force and effect.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/scn