

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICHARD H FELTS**  
Claimant

**APPEAL NO: 09A-UI-17635-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REILLY CONSTRUCTION COMPANY INC**  
Employer

**OC: 12/21/08**  
**Claimant: Appellant (6/R)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated November 13, 2009 (reference 05) that concluded Richard H. Felts (claimant/appellant) was overpaid unemployment insurance benefits. A hearing was scheduled for January 10, 2010 in conjunction with one related appeal, 09A-UI-17633-DT. While the claimant/appellant was not available when the administrative law judge called at the scheduled time for the hearing, when the claimant returned the call to the administrative law judge and explained the reason he had not been available, rather than requesting that the hearing be rescheduled, the claimant/appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

A request has been made by Richard H. Felts (claimant), the appealing party, to withdraw the appeal.

The claimant expressed interest in working out a repayment schedule of the overpayment.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

The request of the appealing party to withdraw the appeal should be approved.

The matter is remanded to the Benefit Payment Control Unit to contact the claimant to pursue a repayment arrangement.

**DECISION:**

The decision of the representative dated November 13, 2009 (reference 05) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant was overpaid unemployment insurance benefits in the amount of \$569.00. The matter is remanded for action as directed on the repayment schedule issue.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/css