

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA A SCHOVERLEIN

Claimant

APPEAL NO. 13A-UI-12410-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/06/13

Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated October 29, 2013, reference 01, that held she is overpaid benefits \$312 for the week ending October 12, 2012, due to not reporting vacation pay from Webster City RV. A telephone hearing was held on November 26, 2013. During the hearing, claimant requested the appeal be withdrawn. Claimant Exhibit A was received as evidence.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been made orally that has been recorded. Claimant learned the overpayment has been collected and repaid by offset procedure. She does not dispute she received the vacation pay.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

During the hearing, claimant admitted she made an error that caused her to report the vacation pay in a week following when she received it. She agrees with the department overpayment correction and now understands it has been repaid by offset procedure. She currently has no outstanding overpayment.

DECISION:

The decision of the representative dated October 29, 2013, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The \$312 overpayment has been repaid.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs