

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LINDA K SELBY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 15A-UI-13814-EC-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/02/15
Claimant: Appellant (6)**

Iowa Code §96.3(7) – Overpayment
Iowa Code §96.16(4) – Administrative Penalty
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated December 8, 2015 (reference 04). The appeal was filed via fax on December 16, 2015. Before a hearing was scheduled in the matter, the claimant/appellant withdrew this appeal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: A decision was issued on December 8, 2015, reference 04, assessing an overpayment in the amount of \$504 for five weeks between 10/11/15 and 11/14/15, because the claimant incorrectly reported wages earned with Pilot Grove Savings Bank. The deadline to appeal this decision was December 18, 2015. The claimant, Linda Selby, submitted an appeal via fax on December 16, 2015.

On December 30, 2015, before a hearing was scheduled, she submitted a written withdrawal of this appeal. The claimant/appellant followed up with the IWD investigator one week later to confirm receipt of her withdrawal, and sent her withdrawal letter again, via fax, on January 7, 2016.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated December 8, 2015, (reference 04) is approved. That decision shall stand and remain in full force and effect.

Emily Gould Chafa
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

ec/pjs