IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

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

DANIEL L KREMER
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 18A-UI-02970-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/28/18
Claimant: Appellant (6)**

Iowa Code Section 96.3(7) - Overpayment
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Daniel Kremer filed an appeal from the March 1, 2018, reference 02, decision that held he was overpaid $1,960.00 in unemployment insurance benefits for the four weeks between January 28, 2018 and February 24, 2018, based on a decision that disqualified him for benefits in connection with a discharge from Quaker Manufacturing, L.L.C. A hearing was scheduled for March 30, 2018. The hearing in this matter was to be consolidated with the hearing in Appeal Number 18A-UI-02969-JTT. Prior to the hearing being held, Mr. Kremer requested the appeal be withdrawn.

FINDINGS OF FACT:

Claimant Daniel Kremer is the appellant in this matter and in a companion case, Appeal Number 18A-UI-02970-JTT, regarding a January 25, 2018 separation from Quaker Manufacturing. A consolidated hearing was set for March 30, 2018. Mr. Kremer is represented by attorney Joe Day. On March 23, 2018, Mr. Kremer submitted a written request to withdraw his appeal in Appeal Number 18A-UI-02970-JTT. Mr. Kremer indicated in the submission that the employer had allowed him to return to the employment. Mr. Kremer's pro se request to withdraw the appeal in Appeal Number 18A-UI-02970-JTT, the overpayment case, did not include explicit reference to Appeal Number 18A-UI-02969-JTT, regarding Mr. Kremer's January 25, 2018 separation from Quaker Oats. Mr. Kremer's pro se submission came to the undersigned administrative law judge's attention on March 27, 2018. On that day, the administrative law judge contacted attorney Joe Day for clarification of Mr. Kremer's intent and to assure that Mr. Day was both aware of and in agreement with Mr. Kremer's decision to withdraw the appeal. On March 28, 2018, Mr. Day requested on Mr. Kremer's behalf that the appeal in both appeal numbers be withdrawn. The request was made during a recorded telephone call between Mr. Day and the administrative law judge. The withdrawal request was submitted prior to any decision being entered in connection with Mr. Kremer's appeal.

On March 28, 2018, Mr. Day advised that Mr. Kramer had not yet used the unemployment insurance benefits that Iowa Workforce Development had forwarded to the debit card the Agency provided to Mr. Kremer.

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 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.

The administrative law judge concludes that Mr. Kremer's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The March 1, 2018, reference 02, decision that held the claimant was overpaid $1,960.00 in unemployment insurance benefits for the four weeks between January 28, 2018 and February 24, 2018, based on a decision that disqualified him for benefits in connection with a discharge from Quaker Manufacturing, L.L.C., shall remain in effect.

To work toward resolving the overpayment of benefits issue, Mr. Kremer may contact the Cedar Rapids Workforce Development Center concerning the benefits that Iowa Workforce Development placed on the debit card in Mr. Kremer's possession, which benefits Mr. Kremer indicates, through Mr. Day, he has not yet used.

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James E. Timberland
Administrative Law Judge

_____
Decision Dated and Mailed

jet/rvs