

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERALD L STERNHAGEN
Claimant

APPEAL NO. 15A-UI-06943-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/31/14
Claimant: Appellant (6/R)

Iowa Code section 96.3(7) - Overpayment
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Gerald Sternhagen filed an late appeal from the June 9, 2015, reference 05, decision that held he was overpaid \$7,228.00 in benefits for 26 weeks between August 31, 2014 and February 28, 2015. A hearing was scheduled for July 22, 2015. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-06942-JTT. Mr. Sternhagen personally appeared for the telephone hearing with his attorney, Timothy Sweet. Prior to the presentation of evidence, Mr. Sweet and Mr. Sternhagen requested that the appeal in this matter and the companion matter be withdrawn.

FINDINGS OF FACT:

Claimant Gerald Sternhagen is the appellant in this matter and the companion case. The consolidated appeal hearing was set for July 22, 2015. At the time of the hearing, attorney Timothy Sweet clarified that Mr. Sternhagen did not wish to challenge the lower decisions, but instead only wanted to discuss arrangements for repayment of the overpayment amount referenced in the June 9, 2015, reference 05, decision and thought it was necessary to file an appeal to have such discussion regarding repayment. The administrative law judge clarified that the administrative law judge would not be a participant in discussion regarding the particular repayment arrangement. The administrative law judge also advised that he would be willing to remand the matter to the Benefits Bureau so that the appropriate Agency representative could discuss a repayment arrangement with Mr. Sternhagen. After that discussion, Mr. Sweet and Mr. Sternhagen requested to withdraw the appeal from this matter and the companion appeal. The request to withdraw the appeal was made before a decision had been entered in connection with the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case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

DECISION:

The claimant's request to withdraw the appeal is approved. The June 9, 2015, reference 05, decision that held the claimant was overpaid \$7,228.00 in benefits for 26 weeks between August 31, 2014 and February 28, 2015, shall remain in effect.

This matter is remanded to the Benefits Bureau so that the claimant and his attorney may discuss repayment options with the appropriate Agency representative.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/mak