

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
Division of Administrative Hearings
Lucas State Office Building
Des Moines, Iowa 50319

Appeal Number: 06-IWDUI-097
OC 01/16/05
Claimant: Appellant (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed Notice of Appeal, directly to the **Employment Appeal Board, 4TH Floor Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

SAMIR SABIC
1303 RAVENWOOD RAOD APT #8
WATERLOO IA 50702

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
INVESTIGATIONS AND RECOVERY
1000 EAST GRAND AVENEUE
DES MOINES IA 50319-0209

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

DAN ANDERSON, IWD

(Administrative Law Judge)

April 21, 2006

(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated August 4, 2005, reference 01 that held he was overpaid unemployment benefits in the amount of \$129, because he incorrectly reported wages earned with Peterson Contractors for the week ending April 2, 2006.

A telephone hearing was scheduled for April 18, 2006. Prior to the hearing being held, the claimant requested the appeal be withdrawn.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 submitted orally which has been recorded.

Unemployment Appeals transmitted this matter for hearing pursuant to the claimant's appeal written on a department form that states the date of the decision as January 20, 2006, and it makes reference to the claimant's separation from employment.

When the claimant called in response to the hearing notice, he acknowledged that he did not intend to appeal the August 2005 overpayment, as he had repaid and settled this matter. The claimant was advised that Unemployment Appeals had been notified about his intention to appeal the separation from employment matter.

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 administrative law judge 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 administrative law judge.

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.

DECISION:

The decision of Iowa Workforce Development dated August 4, 2005, 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 \$129 overpayment has been repaid and satisfied.

rls