

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAY A HARTSOOK
Claimant

APPEAL NO. 09A-UI-06128-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 03/15/09
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Ray A. Hartsook (claimant) appealed a representative's April 21, 2009 decision (reference 02) that concluded he had been overpaid \$63.00 in benefits he received for the weeks ending March 28 and April 11, 2009. The overpayment occurred because the claimant's maximum weekly benefit amount was reduced. A hearing was scheduled on May 15, 2009. On April 23, the claimant made a request to withdraw his appeal. Based on the claimant's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The claimant withdrew his appeal from the April 21, 2009 representative's decision on April 23, 2009. The claimant's withdrawal request was tape-recorded.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw his appeal is approved.

DECISION:

The representative's April 21, 2009 decision (reference 02) is affirmed. The claimant's withdrawal request is approved. The claimant was overpaid \$63.00 in benefits he received for the weeks ending March 28 through April 11, 2009. (The Department has already recouped the overpayment by withholding \$63.00 in benefits the claimant was entitled to receive for the week ending April 18, 2009.)

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw