

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARTY W SAXTON
Claimant

APPEAL 22A-UI-03816-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/06/20
Claimant: Appellant (6)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871—26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

On January 28, 2022, claimant Marty W. Saxton filed an appeal from a representative's decision dated January 25, 2022, (reference 02), that determined claimant was overpaid benefits due to a failure to report wages earned. A telephonic hearing was scheduled for 3:00 p.m. on March 14, 2022. At the time of the hearing, on the record, the claimant/appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

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 verbally and was recorded on the software used by the Appeals Bureau. The administrative law judge received the verbal request to withdraw the appeal on March 14, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the request of the appealing party to withdraw the appeal should be granted.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated January 25, 2022 (reference 02) 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 hearing scheduled for 3:00 p.m. on Monday, March 14, 2022, is canceled.



Alexis D. Rowe
Administrative Law Judge

March 28, 2022
Decision Dated and Mailed

ar/jh