

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SAMANTHA HOLSTEIN
Claimant

APPEAL 21A-UI-23266-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 3/29/20
Claimant: Appellant (6R)

Iowa Code § 96.16(4) - Offenses and Misrepresentation
Iowa Code § 96.5 - Disqualification
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

On October 15, 2021, Samantha Holstein (claimant/appellant) filed an appeal from the October 6, 2021 (reference 06) unemployment insurance decision that denied benefits based on a finding claimant owed an unpaid fraud overpayment balance.

A telephone hearing is scheduled for January 7, 2022 at 8:05 a.m. The parties were properly notified of the hearing. Prior to the hearing date, the appellant submitted a written request to withdraw the appeal.

ISSUE:

Whether the request to withdraw the appeal should be granted.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The appealing party requested to withdraw the appeal. The request was submitted in writing and sent via email on December 22, 2021. The administrative law judge notes the decision leading to the disqualification was amended by a decision issued December 21, 2021 (reference 07), which found there was a non-fraud overpayment. That decision remains in force.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The appealing party's request to withdraw the appeal of the October 6, 2021 (reference 06) unemployment insurance decision that denied benefits based on a finding claimant owed an unpaid fraud overpayment balance is APPROVED.

The hearing scheduled for January 7, 2022 at 8:05 a.m. is CANCELLED.

REMAND:

This matter is REMANDED to the Department for issuance of an unemployment insurance eligibility decision consistent with the amended decision issued December 21, 2021 (reference 07), which found there was a non-fraud overpayment.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

January 26, 2022
Decision Dated and Mailed

abd/abd