

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDRA M STANLEY
Claimant

APPEAL NO: 14A-UI-10515-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/06/14

Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated September 23, 2014 (reference 05). A hearing was scheduled for October 30, 2014. At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made by Sandra M. Stanley (claimant), the appealing party, to withdraw the appeal. The request has been made because the appeal is moot.

The representative's decision found the claimant was overpaid because of a prior decision that she was not able and available for work as of August 24, 2014. Another representative's decision was issued on September 26, 2014 (reference 06) which found the claimant able and available for work and eligible as of September 21. Since September 21 the claimant has exhausted her maximum benefit eligibility, so reversing the September 22 decision to make the claimant eligible as of August 24 would not result in any additional benefits being payable. Further, the resulting overpayment has already been recouped through offset and the overpayment balance is zero.

REASONING AND CONCLUSIONS OF LAW:

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated September 23, 2014 (reference 05) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant was overpaid unemployment insurance benefits for the period of August 24 through September 20, 2014, but that overpayment has already been recouped through offset and she has subsequently exhausted her maximum benefit eligibility.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs