

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JAMIE L SCHMIDT**  
Claimant

**APPEAL 18A-UI-06922-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/06/15**  
**Claimant: Appellant (6)**

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Iowa Code § 96.6(2) – Timeliness of Appeal  
Iowa Code § 96.3(7) – Overpayment of Benefits  
Iowa Code § 96.16(4) – Offenses and Misrepresentation  
Iowa Admin. Code r. 871-25.1 – Misrepresentation & Fraud  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant, Jamie L. Schmidt, filed an appeal from the September 26, 2016, (reference 05) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant was overpaid unemployment insurance benefits because he failed to accurately report earnings while also filing weekly continued claims for unemployment insurance benefits. IWD also imposed a 15% administrative penalty due to misrepresentation.

The parties were properly notified of the hearing. A telephone hearing was scheduled to be held on July 13, 2018. The claimant, Jamie L. Schmidt, participated personally. Kevan Irvine, Program Coordinator, participated on behalf of IWD. No testimony was taken as the claimant/appellant requested to withdraw his hearing on the record. Prior to accepting the request to withdraw, the administrative law judge advised the claimant of the consequences of canceling his appeal. The request to withdraw the appeal was recorded.

**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 verbally and recorded through the Appeals Bureau’s conference call system at the time of the scheduled hearing. Consequences of withdrawing the appeal were explained to the claimant before the administrative law judge would accept the withdrawal.

**REASONING AND CONCLUSIONS OF LAW:**

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

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.

**The scheduled hearing for July 13, 2018 is cancelled.**

**DECISION:**

The decision of the representative dated September 26, 2016, (reference 05) 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 claimant has been overpaid benefits and a 15% administrative penalty remains in effect.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn