

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTHONY D BLAKE
Claimant

ARCONIC DAVENPORT LLC
Employer

APPEAL 20A-UI-10209-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (6)

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

STATEMENT OF THE CASE:

On August 27, 2020, the claimant filed an appeal from the August 20, 2020, (reference 01) unemployment insurance decision that found claimant overpaid benefits. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 02 representative's decision), no testimony was necessary and no hearing was held.

ISSUE:

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been amended in favor of the appellant by the reference 02 representative's decision.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

Inasmuch as the agency reversed the prior disqualification prior to the hearing, there is no issue for the administrative law judge to adjudicate.

DECISION:

The appeal of the August 20, 2020, (reference 01) unemployment insurance decision is dismissed. The claimant has not been overpaid unemployment insurance benefits.



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

October 6, 2020
Decision Dated and Mailed

cal/scn