

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERRI L TRIPP**  
Claimant

**APPEAL NO. 08A-UI-07940-C**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/06/08 R: 02  
Claimant: Appellant (6)**

Section 871 IAC 26.8(1) – Withdrawal of Appeals

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated August 29, 2008, reference 02. A hearing was scheduled for September 24, 2008 in Des Moines, Iowa. Prior to the hearing, Workforce Development issued a decision amending and reversing the determination Ms. Tripp appealed.

**ISSUE:**

At issue in this matter is whether the representative's August 29, 2008 decision should be vacated and the appeal filed on September 3, 2008 dismissed.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that: Subsequent to Ms. Tripp appealing the August 29, 2008 overpayment determination, Workforce Development issued a decision on September 23, 2008 amending it. The latter decision, reference 04, removed the \$1,083.00 overpayment previously assessed.

**REASONING AND CONCLUSIONS OF LAW:**

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the appeal filed on September 3, 2008 should be dismissed. Workforce Development has issued an amended decision which is fully favorable to Ms. Tripp and provides the relief sought by the appeal.

**DECISION:**

The decision of the representative dated August 29, 2008, reference 02, is vacated as it has been amended by subsequent agency action. Ms. Tripp has not been overpaid \$1,083.00 in job insurance benefits for the three weeks ending August 2, 2008.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css