

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**KARLA S RANKIN
APT 2
1619 NORTH AVE
NORWALK IA 50211**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-00051-DWT
OC 11/23/03 R 02
Claimant: Appellant (6)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The Appeals Section incorrectly concluded Karla S. Rankin (claimant) appealed a representative's December 30, 2003 decision (reference 03) that held her overpaid \$46.00 in unemployment insurance benefits for the weeks ending November 29 and December 6, 2003. A hearing was scheduled on January 29, 2004. At the hearing, the claimant withdrew her appeal in this matter. Based on the claimant's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The Appeals Section incorrectly concluded the claimant appealed a \$46.00 overpayment for the weeks ending November 29 and December 6, 2003. Prior to the hearing, the claimant paid \$46.00 to the Department because she did not dispute the overpayment decision. Since the claimant did not dispute the \$46.00 overpayment, she withdrew an appeal in this matter or asked that it be dismissed.

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 claimant's request to withdraw or dismiss her appeal is approved.

DECISION:

The representative's December 30, 2003 (reference 03) is affirmed. The claimant's request to withdraw or dismiss the appeal is approved. The claimant was overpaid \$46.00 in unemployment insurance benefits she received for the weeks ending November 29 and December 6, 2003.

dlw/s