

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 09-IWDUI-246
09-IWDUI247
OC: 10/18/09
Claimant: Appellant (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

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 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.

SAFET GALIJASEVIC
312 CATARACT ST., APT. 6
WATERLOO, IA 50702

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
INVESTIGATION AND RECOVERY
1000 EAST GRAND AVENUE
DES MOINES IA 50319-0209

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 is 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 the department. 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.

DAN ANDERSON, IWD

(Administrative Law Judge)

December 28, 2009

(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed two representative's decisions. The first, dated November 12, 2009, reference 1, held that he was not eligible to receive unemployment insurance benefits because he had not provided proof he was legally authorized to work in the United States and, therefore, was not able and available to work as required by law. The second decision, dated November 16, 2009, reference 3, held Mr. Galijasevic had been overpaid unemployment insurance benefits in the amount of \$362 for the week between November 1, 2009 and November 7, 2009 based on the previous decision that he was not eligible to receive benefits.¹

A telephone hearing was scheduled for and held on December 24, 2009. Safet Galijasevic appeared and was assisted by Adam Rizvic. Investigator Mary Piagentini appeared and participated on behalf of Workforce development.

The parties were able to reach an agreement to settle these cases. They placed their agreement on the record and Claimant Galijasevic then requested that he be allowed to withdraw his appeals.

FINDINGS OF FACT:

The parties agreed that Safet Galijasevic provided sufficient proof of his authorization to work in the United States with the appeal he filed on November 19, 2009. Mr. Galijasevic will be considered to be eligible for unemployment insurance benefits. Additionally, Workforce Development will amend the amount of the alleged overpayment from \$362 to \$0. In return, Mr. Galijasevic agreed to withdraw his appeal.

REASONING AND CONCLUSIONS OF LAW:

The department's rules provide that, with the approval of the administrative law judge, an appeal may be withdrawn at any time prior to the issuance of a decision.²

Mr. Galijasevic asked to withdraw his appeals in return for Workforce Development's settlement offer set forth above. His request to withdraw his appeals should be granted.

DECISION:

Based on the agreement of the parties, these appeals are deemed withdrawn.

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¹ It should be noted that on November 13, 2009, Workforce Development issued a decision, reference 2, which erroneously stated Mr. Galijasevic had been overpaid benefits in the amount of \$3620. The November 16, 2009, reference 03 decision was subsequently issued to correct the amount of the alleged overpayment.

² 871 IAC 26.8(1)