

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFREY S BOOY
Claimant

APPEAL 20A-UI-02700-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT
Respondent

OC: 03/22/20
Claimant: Appellant (6)

Iowa Code § 96.16(4) – Offenses and Misrepresentation
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:

On March 30, 2020, the claimant filed an appeal from the March 26, 2020, (reference 01) unemployment insurance decision that denied unemployment insurance benefits on an unpaid fraud overpayment balance. The parties were properly notified about the hearing. A telephone hearing was scheduled for May 5, 2020. Prior to the hearing being held, the claimant requested to withdraw the appeal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: Claimant has requested to withdraw the appeal of the decision that denied benefits effective March 22, 2020, based on an unpaid fraud overpayment balance. Since filing the appeal, claimant has paid the balance and has been allowed benefits effective March 29, 2020. Benefit payments for March 29, 2020, and going forward have been released to claimant's debit card. Therefore, claimant submitted the request to withdraw the appeal verbally and it was recorded by the administrative law judge.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

The administrative law judge has reviewed the records and files and concludes that claimant's request to withdraw the appeal should be approved.

DECISION:

Claimant's request to withdraw the appeal of the March 26, 2020, (reference 01) unemployment decision denying benefits is approved. The decision denying claimant benefits shall stand and remain in full force and effect. However, claimant has been allowed benefits effective March 29, 2020.



Christine A. Louis
Administrative Law Judge
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May 6, 2020
Decision Dated and Mailed

cal/scn