

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CAROL STEELY
Claimant

APPEAL NO. 21A-UI-01511-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (6)

Iowa Code Section 96.3(7) - Overpayment
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a late appeal from the July 25, 2020, reference 03, decision that held the claimant was overpaid \$307.00 in regular benefits for three weeks between April 26, 2020 and May 23, 2020, based on her incorrect reporting of wages earned with Doll Distributing, L.L.C. A hearing was scheduled for February 22, 2021. The hearing was to be consolidated with the hearing in Appeal Number 21A-UI-01512-JTT. Prior to the hearing being held, the claimant/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The claimant is the appellant in this matter and in a companion overpayment appeal number. An appeal hearing was scheduled for February 22, 2021. On February 16, 2021, the claimant emailed a written request to withdraw her appeal in this matter and in the companion appeal. The request was submitted before the administrative law judge entered a decision in connection with the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

The administrative law judge concludes that the claimant's timely request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The July 25, 2020, reference 03, decision that held the claimant was overpaid \$307.00 in regular benefits for three weeks between April 26, 2020 and May 23, 2020, based on her incorrect reporting of wages earned with Doll Distributing, L.L.C., remains in effect. The hearing set for February 22, 2020 is cancelled.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

James E. Timberland
Administrative Law Judge

February 24, 2021
Decision Dated and Mailed

jet/lj