

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

Appeal Numbers: 12IWDU1559
12IWDU1560
12IWDU1561
OC: 12-04-11
Claimant: Appellant (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**LAURIE GRAVES
509 MAIN STREET
NORWALK, IA 50211-1517**

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.

**IOWA WORKFORCE DEVELOPMENT
INVESTIGATION AND RECOVERY
IRMA LEWIS, INVESTIGATOR**

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 is based.

JONI BENSON, IWD

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.

(Administrative Law Judge)

April 4, 2013

(Decision Dated & Mailed)

871 Iowa Administrative Code 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE

The claimant appealed three decisions issued by Iowa Workforce Development (the Department) dated September 7, 2012, September 18, 2012 and September 27, 2012. The earlier decisions resulted in the final decision that Laurie Graves had been overpaid unemployment benefits in the amount of \$7,055. Hearing on all three appeals was originally set for December 20, 2012.

On December 20, 2012, the parties appeared and I entered an order dated December 24, 2012 continuing the hearing on all three appeals until February 6, 2013 to allow the parties to pursue settlement negotiations.

On February 6, 2013, at the time scheduled for hearing, the parties appeared and Irma Lewis, Investigator with Iowa Workforce Development reported that the department was unwilling to enter into any negotiations and that she had not informed Claimant Graves prior to the hearing of the department's decision. Therefore, I entered a second order continuing the hearing date until April 4, 2013 to allow Claimant Graves to obtain counsel.

On April 3, 2013, I received a copy of a decision issued by the department to Ms. Graves on that date "reducing" the amount she owed for overpaid unemployment benefits to \$0.

On April 4, 2013, Laurie Graves appeared at the time scheduled for hearing. No one appeared on behalf of the department. I read the department's April 3, 2013 decision into the record and, based on the reduction of the overpayment to \$0, Ms. Graves stated her desire to withdraw all of her appeals.

The Department's regulations permit an appeal to 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.¹ Therefore, Laurie Graves' request to withdraw these appeals should be granted.

DECISION

The Appellant's request to withdraw her appeals is approved and the appeals are deemed withdrawn.

kka

¹871 Iowa Administrative Code (IAC) 26.8(1).