

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JAVIER LEGUIZAMO
Claimant

APPEAL NO. 11A-UI-12230-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/15/11
Claimant: Appellant (6)**

Section 96.3-7 – Recovery of Overpayments
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated September 2, 2011, reference 03, that ruled he had been overpaid unemployment insurance benefits for the five weeks ending June 18, 2011. Due notice was issued for a telephone hearing to be held October 11, 2011. Prior to the date of the hearing, the claimant requested that the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant, the appellant in this matter, has requested that the appeal be withdrawn.

REASONING AND CONCLUSIONS OF LAW:

A rule found at 871 IAC 26.8(1) allows the administrative law judge to grant an appellant's request for the withdrawal of its appeal. A review of all matters of record persuades the administrative law judge that it is appropriate to allow the withdrawal of this appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

DECISION:

The unemployment insurance decision dated September 2, 2011, reference 03, remains in effect. The claimant has been overpaid unemployment insurance benefits for the five weeks ending June 18, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw