

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIKE F DELANEY
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 13A-UI-12311-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/09/13
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated October 21, 2013, reference 03, that held he was overpaid benefits \$324.00 for a four-week period ending October 5, 2013 due to a department decision he was not able and available for work. A hearing was scheduled for November 27, 2013. Prior to the hearing being held, the claimant's widow/spouse requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record finds that: A request has been made by the appealing party to withdraw the appeal. The request has been made orally to UI Appeals staff.

REASONING AND CONCLUSIONS OF LAW:

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

The administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated October 21, 2013, reference 03, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Claimant is overpaid benefits \$324.00.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs