

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAVE M BOOS

Claimant

APPEAL NO. 20A-UI-09218-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
INVESTIGATIONS & RECOVERY**

OC: 03/29/20

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 an appeal from the July 29, 2020, reference 01, decision that held he was overpaid \$486.00 for two weeks between May 17, 2020 and May 30, 2020 because he incorrectly reported wages earned with Council Bluffs Country Club. A hearing was scheduled for September 18, 2020. Prior to the hearing being held, the claimant/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

Claimant Dave Boos is the appellant in this matter. The hearing in this matter is currently set for 10:30 a.m. on September 18, 2020. On August 11, 2020, Mr. Boos emailed to the Appeals Bureau a request to withdraw the appeal and cited receipt of additional information as the basis for the withdrawal request. Mr. Boos' withdrawal request came to the attention of the undersigned administrative law judge on September 2, 2020. The request to withdraw the appeal was submitted before a decision was entered 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The July 29, 2020, reference 01, decision that held the was overpaid \$486.00 for two weeks between May 17, 2020 and May 30, 2020 because he incorrectly reported wages earned with Council Bluffs Country Club remains in effect. The hearing set for September 18, 2020 is cancelled.



James E. Timberland
Administrative Law Judge

September 8, 2020
Decision Dated and Mailed

jet/sam