

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KENNETH L KEAIRNS**  
Claimant

**APPEAL NO: 11A-UI-10832-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/13/09**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from an unemployment insurance decision dated July 26, 2011, reference 02. A hearing was scheduled for September 12, 2011. Prior to the hearing being held, the appellant requested the appeal be withdrawn as he did not actually intend to appeal the decision but was only inquiring about how to make payments on an overpayment.

**FINDINGS OF FACT:**

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and was recorded.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 unemployment insurance decision dated July 26, 2011, reference 02, is affirmed. The decision that the claimant was overpaid benefits remains in effect.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css