

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**TYLER D SWOBODA**  
Claimant

**APPEAL 17A-UI-05682-TN**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/26/17**  
**Claimant: Appellant (6)**

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Iowa Code §96.3(7) – Overpayment of Benefits  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Admin. Code r. 871-26.11 – Motions

**STATEMENT OF THE CASE:**

The claimant, Tyler Swoboda, filed an appeal from an unemployment insurance decision dated May 25, 2017, reference 04, which assessed an overpayment. He requested an in-person hearing. An in-person hearing was scheduled on June 16, 2017, at 1:05 p.m., in Council Bluffs, Iowa. In a hand-written letter dated June 5, 2017, the claimant/appellant submitted a written request to withdraw this appeal. The written withdrawal request was postmarked June 7 and was received in the Appeals Bureau on June 9, 2017. The hearing was canceled due to this written appeal withdrawal.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The claimant, the appealing party, requested to withdraw the appeal. The request was submitted in writing, via regular mail, postmarked June 7, 2017. The Iowa Workforce Development Unemployment Insurance Appeals Bureau received the written withdrawal on June 9, 2017. The hearing was canceled due to this appeal withdrawal.

**REASONING AND CONCLUSIONS OF LAW:**

An appellant may submit a written request to withdraw his or her appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1).

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The appealing party's written withdrawal of this appeal of the unemployment insurance decision dated May 25, 2017, reference 04, is approved. That decision shall stand and remain in full force and effect.

The in-person hearing scheduled on June 16, 2017, at 1:05 p.m., in Council Bluffs, Iowa, is canceled.

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Terence Nice  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development

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Decision Dated and Mailed

ec/rvs