

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 09-IWDUI-221-222
OC: 09/21/08
Claimant: Appellant (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed Notice of Appeal, directly to the **Employment Appeal Board, 4TH Floor Lucas Building, Des Moines, Iowa 50319.**

JODI A. MCFADDEN
504 12TH STREET
FORT MADISON, IA 52627

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
INVESTIGATIONS AND RECOVERY
1000 EAST GRAND AVENUE
DES MOINES IA 50319-0209

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

DAN ANDERSON, IWD

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

December 2, 2009

(Decision Dated & Mailed)

871 Iowa Administrative Code 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE

The claimant appealed two representative's decisions dated October 26, 2009, reference 02, and October 30, 2009, reference 03. A telephone hearing was scheduled for December 1, 2009. Prior to that date, the claimant's representative – her father, Brian McFadden – requested that the appeals be withdrawn. Mr. McFadden and investigator Karen Von Behren of Iowa Workforce Development (the Department) convened on December 1, 2009 and made a record regarding the withdrawal.

Ms. Von Behren stated on the record that there had been an error made in the Department's October 30, 2009 overpayment decision. The decision was inadvertently issued with a finding that the overpayment was a result of misrepresentation by the

claimant. Ms. Von Behren indicated this was an error and stated that she intends to amend the decision to state that the overpayment was not a result of misrepresentation.

Mr. McFadden stated on the record that he has power of attorney for the appellant and that it is her wish that the appeals be withdrawn.

The Department's regulations permit an appeal to 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.¹

DECISION

The appellant's request to withdraw her appeals is approved and the appeals are deemed withdrawn.

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¹ 871 Iowa Administrative Code (IAC) 26.8(1).