

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JEREMY BARSEMA
Claimant

MERCY HOSPITAL
Employer

APPEAL 20R-UI-15003-AD-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 04/19/20
Claimant: Appellant (6)

Iowa Admin. Code r. 871-24.23(10) – Eligibility – A&A – Leave of Absence
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

On August 18, 2020, Jeremy Barsema (claimant/appellant) filed a timely appeal from the August 11, 2020 (reference 03) unemployment insurance decision that denied benefits as of April 19, 2020.

Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for September 30, 2020 at 11:30 a.m. Claimant did not register a number for the hearing. After waiting 15 minutes after the hearing start time as a courtesy, the undersigned entered a default order.

Claimant appealed the default order to the Employment Appeal Board (EAB). The EAB remanded for a new hearing. A hearing was scheduled for January 20, 2021 at 8:30 a.m. A hearing was held at that time. Employer did not register a number for the hearing and did not participate.

ISSUE:

Whether the request to withdraw the appeal should be granted.

FINDINGS OF FACT:

The appellant requested to withdraw the appeal on the record during the hearing on January 20, 2021.

Claimant was paid regular, state benefits in the amount of \$437.00 prior to the August 11, 2020 decision denying benefits. This included a payment of \$172.00 for the week ending May 9, 2020 and a payment in the amount of \$265.00 for the week ending May 16, 2020. Claimant was subsequently denied benefits in the decision issued August 11, 2020, which is the subject of the appeal.

Claimant then applied for and was allowed Pandemic Unemployment Assistance (PUA) during that same period and in the same amount of \$265.00 per week. He received a further PUA

payment for the week ending April 11, 2020 as well. However, he was not paid PUA for the weeks in which he received regular, state benefits. A department representative indicated he would not be paid PUA for those weeks since he had already received state benefits for those weeks in the same amount as the PUA benefits. In other words, the benefits would offset and there would be no overpayment.

For these reasons and in order to clarify the record, the administrative law judge finds claimant has not been overpaid regular state benefits or PUA.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). An oral request must be tape-recorded by the presiding officer. *Id.*

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 request to withdraw the appeal of the August 11, 2020 (reference 03) unemployment insurance decision that denied regular, state unemployment benefits as of April 19, 2020 is approved. That decision shall stand and remain in full force and effect.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 05, 2021
Decision Dated and Mailed

abd/ol