

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KELLY MCVIETTY
Claimant

APPEAL 20A-UI-14191-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (6)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

STATEMENT OF THE CASE:

On November 16, 2020, the claimant filed an appeal from the November 16, 2020, (reference 03) unemployment insurance decision that found claimant overpaid benefits. After due notice was issued, a hearing was scheduled to be held on December 29, 2020. Before the hearing was held, the claimant withdrew the appeal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: Claimant has requested to withdraw the appeal of the decision that found her overpaid unemployment insurance benefits. Claimant submitted the request in writing.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

The administrative law judge has reviewed the records and files and concludes that claimant's request to withdraw the appeal should be approved.

DECISION:

Claimant's request to withdraw the appeal of the unemployment insurance decision dated November 16, 2020, (reference 03) that found claimant overpaid benefits is approved. The decision finding claimant overpaid benefits in the amount of \$748.00 shall stand and remain in full force and effect. Claimant has repaid the overpayment.



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

December 17, 2020
Decision Dated and Mailed

cal/scn