

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAULA J SPYKERBOER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-11853-LJ-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/29/20
Claimant: Appellant (6)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.23(26) – Employment at Same Hours and Wages
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

On May 3, 2021, claimant Paula J. Spykerboer filed an appeal from a representative's decision dated March 23, 2021 (reference 02). A telephonic hearing was scheduled for 9:05 a.m. on Tuesday, June 29, 2021. Prior to the hearing being held, the claimant/appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted verbally and has been recorded. The administrative law judge received claimant's verbal request to withdraw the appeal on June 29, 2021.

The administrative law judge called claimant at the hearing time and attempted to commence the hearing. However, claimant interrupted the opening statement to clarify that she did not intend and did not want to appeal either the decision finding her ineligible for regular unemployment insurance benefits or the decision finding her overpaid regular unemployment insurance benefits. The administrative law judge explained the consequences of withdrawing the appeal: the decision would become final agency action and the overpayment would stand. Claimant stated she understood.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(1) provides:

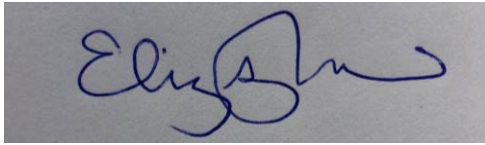
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to

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 decision of the representative dated March 23, 2021 (reference 02) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

A handwritten signature in blue ink, appearing to read "Elizabeth A. Johnson", is shown on a light-colored background.

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

July 14, 2021
Decision Dated and Mailed

lj/mn