

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MONICA M MC CLELLAND
Claimant

APPEAL NO: 14A-UI-02803-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES MOINES IND COMMUNITY SCH DIST
Employer

OC: 02/02/14
Claimant: Appellant (6/R)

Iowa Admin. Code r. 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's March 4, 2013 determination (reference 03) that disqualified her from receiving benefits and held the employer's account exempt from charge because she quit her employment for reasons that do not qualify her to receive benefits. A hearing was scheduled on April 4, 2014. Before the hearing began, the claimant withdrew her appeal. Based on the claimant's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 2, 2014. Her maximum weekly benefit amount is \$338.00. She filed a claim for the week ending February 8, 2014, and received \$338.00 in benefits for this week.

Between November 26, 2013, and March 21, 2014, the claimant earned \$3,400.00 from another employer. Before the hearing began on April 4, the claimant withdrew her appeal from a representative's March 4, 2014 determination. The claimant understood the consequences of withdrawing her appeal, and still wanted to withdraw her appeal. The claimant's April 4, 2014 withdrawal request was recorded.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 recorded by the presiding officer.

The claimant's request to withdraw her appeal is approved.

The claimant earned requalifying wages between November 26, 2013, and March 21, 2014. As of March 23, 2014, the claimant is qualified to receive benefits. Since the claimant received benefits for the week ending February 8, the issue of overpayment of benefits for this week will be remanded to the Benefits Bureau to address.

DECISION:

The representative's March 4, 2014 determination (reference 03) is affirmed. The claimant's withdrawal request is approved. Since the claimant earned requalifying wages between November 26, 2013, and March 21, 2014, the claimant is qualified to receive benefits as of March 23, 2014.

The claimant received benefits for the week ending February 2, 2014. The issue of overpayment of benefits for this week is **Remanded** to the Benefits Bureau to address.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css