

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NATHAN E KEENAN
Claimant

APPEAL NO. 10A-UI-03934-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/07/08
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated February 15, 2010, reference 03, that held he was overpaid benefits \$3,200.00 on his EUC claim. A hearing was scheduled for April 28, 2010. Prior to the hearing being held, the claimant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

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 made orally that has been recorded. The claimant appealed an overpayment that was caused by this decision that changed his claim from EUC to a regular benefit claim effective December 6, 2009. Since the department has collected the overpayment by offsetting benefits on his regular claim, he is no longer confronted with any overpayment. The record shows when the department collected \$144.00 by offset on his regular claim the week ending February 6, 2010, the overpayment has been paid in full.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 February 15, 2010, reference 03, 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. The claimant is overpaid \$3,200.00 on his EUC benefit claim, but it has been re-paid in full by offsetting regular benefits.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs