

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS A VRIEZE
Claimant

APPEAL NO. 09A-UI-01600-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/19/08 R: 02
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated January 21, 2009, reference 02. A hearing was scheduled for February 20, 2009. Prior to the hearing being held, appellant requested the appeal be withdrawn. Claimant on December 26, 2008 appealed the decision 08A-UI-10982-M-T. There is no record of the appeal. Claimant asked that the overpayment appeal be withdrawn until such time as he can pursue the appeal to the Employment Appeal Board that was evidentially lost after filing.

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The issue is whether the appeal should be withdrawn.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 submitted by recorded telephone conference.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 January 21, 2009, 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. However, if claimant's appeal of 08A-UI-10982-M-T to the Employment Appeal Board is successful the overpayment issue remains open for modification.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs