

intend the letter to be treated as an appeal. The claimant was determined by the decision to be overpaid unemployment insurance benefits in the amount of \$228.00 because of vacation pay but that amount was offset by other benefits to which the claimant was entitled. The claimant's overpayment balance is now zero.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 October 3, 2005, reference 05, 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 was overpaid unemployment insurance benefits in the amount of \$228.00 for one week between August 28, 2005 and September 3, 2005 because of vacation pay but that overpayment has been offset by other benefits to which the claimant was entitled leaving the claimant's overpayment balance zero.

gkr/kjw