

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>ROBLEY L BARNES</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<div>68-0157 (9-06) - 3091078 - EI</div> <div><b>APPEAL NO: 10A-UI-10188-DWT</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b></div> <div><b>OC: 01/11/09</b> <b>Claimant: Appellant (6)</b></div>
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871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed a representative's August 31, 2009 decision (reference 04) that held he had been overpaid \$2,316.00 in Emergency Unemployment Compensation benefits he received for the weeks ending July 18 through August 22, 2009. A hearing was scheduled on September 11, 2010. On August 10, 2010, the claimant withdrew his appeal in this matter. 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 withdrew his appeal from the representative's August 31, 2009 decision. The claimant's August 10, 2010 withdrawal request was tape-recorded.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw his appeal is approved.

As of August 10, 2010, the claimant does not owe the Department any money because the overpayment has been offset from benefits the claimant was legally entitled to receive.

**DECISION:**

The representative's August 31, 2009 decision (reference 04) is affirmed. The claimant's withdrawal request is approved. The claimant was overpaid \$2,316.00 in Emergency Unemployment Compensation benefits he received from Iowa for the weeks ending July 18 through August 22, 2009.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css