IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

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

TO L LA
Claimant

APPEAL NO. 10A-EUCU-00388-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IAC IOWA CITY
Employer

Original Claim: 11/30/08
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from an unemployment insurance decision dated February 9, 2010, reference 02, that ruled she had been overpaid $381.00 for the week ending January 9, 2010 Due notice was issued for a telephone hearing to be held May 26, 2010. Prior to the date of hearing, the claimant requested in writing that the appeal be withdrawn. The administrative law judge takes official notice of Agency benefit payment records

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant, the appellant in this matter, has requested that the appeal be withdrawn.

REASONING AND CONCLUSIONS OF LAW:

A rule found at 871 IAC 26.8(1) allows the administrative law judge to grant an appellant's request for the withdrawal of its appeal. A review of all matters of record persuades the administrative law judge that it is appropriate to allow the withdrawal of this appeal.

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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The unemployment insurance decision dated February 9, 2010, reference 02, remains in effect. The claimant was overpaid unemployment insurance benefits in the amount of $381.00 for the week ending January 9, 2010. The overpayment has been repaid by the claimant.

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Dan Anderson
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw