

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MICHAEL B RAYMOND
Claimant

APPEAL NO. 21A-UI-08222-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (6)

Iowa Code Section 96.3(7) - Overpayment
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 23, 2021, reference 03, decision that held he was overpaid \$2,760.00 in regular benefits for 20 weeks between March 15, 2020 and August 1, 2020, based on an earlier decision that disqualified him for regular benefits in connection with an availability determination. A hearing was scheduled for June 3, 2021. The hearing was consolidated with the hearing in Appeal Number 21A-UI-08220-JT-T. Prior to the hearing being held, the claimant/appellant requested the appeal be withdrawn.

ISSUE:

Should the appellant's request to withdraw the appeal be granted.

FINDINGS OF FACT:

The claimant is the appellant in this matter and in a companion appeal number. The hearing is set for June 3, 2021. On May 4, 2021, the claimant emailed a written request to withdraw the appeal. The request was submitted before the administrative law judge entered a decision in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge concludes that the claimant's timely request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The March 23, 2021, reference 03, decision that held the claimant was overpaid \$2,760.00 in regular benefits for 20 weeks between March 15, 2020 and August 1, 2020 shall remain in effect. The hearing set for June 3, 2021 is cancelled.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

May 12, 2021
Decision Dated and Mailed

jet/kmj