

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FUAD HAJRIC
Claimant

APPEAL NO: 11A-UI-10866-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PIZZA HUT
Employer

OC: 06/06/11
Claimant: Appellant (6/R)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's August 9, 2011 determination (reference 01) that concluded he was not eligible to receive benefits as of June 5, 2011, because he was still employed at the same hours and wages that he had been hired to work. A hearing was scheduled on September 12, 2011. On September 6, 2011, the claimant contacted the Appeals Section and withdrew his appeal. 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 9, 2011 determination. The claimant's September 6, 2011 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

An issue of overpayment of benefits the claimant has received since June 5, 2011, will be remanded to the Claims Section to determine.

DECISION:

The representative's August 9, 2011 determination (reference 01) is affirmed. The claimant's request to withdraw his appeal is approved. This means the claimant is not eligible to receive benefits as of June 5, 2011, because he is working the same number of hours he was hired to work. If the employer reduces the claimant's hours, the claimant can reopen his claim and establish his eligibility to receive benefits. An issue of overpayment of benefits the claimant has received since June 5, 2011, is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs