

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JUAN R HERNANDEZ
Claimant

APPEAL 19A-UI-08606-DB

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/17/16
Claimant: Appellant (6)**

Iowa Code § 96.3(7) – Recovery of Overpayment of Benefits
Iowa Code § 96.16(4) – Penalty for Misrepresentation
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the claimant from the Iowa Workforce Development representative's decision dated October 22, 2019 (reference 01) that found the claimant was overpaid unemployment insurance benefits of \$9,150.00 between April 10, 2016 and June 1, 2019 due to incorrectly or failing to report earnings. A 15% penalty due to misrepresentation was added. A hearing was scheduled for December 19, 2019. Prior to the hearing being held, the appellant/claimant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that:

A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing to the Appeals Bureau on December 13, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 appellant/claimant has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the record and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated October 22, 2019 (reference 01) shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing scheduled for December 19, 2019 is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn