

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JAMES L CALVERT
PO BOX 202
ST CHARLES IA 50240

AEC GROUP INC
PO BOX 148
ST CHARLES IA 50240

Appeal Number: 05A-UI-04854-DWT
OC: 04/03/05 R: 02
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

James L. Calvert (claimant) appealed a representative's May 3, 2005 decision (reference 02) that concluded he had been overpaid \$148.00 in benefits he received for the weeks ending April 9 and 16, 2005. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled on May 26, 2005. After the claimant and employer had been contacted, the claimant withdrew his appeal. The Department resolved the issue he had appealed to the claimant's satisfaction. 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 made a request to withdraw his appeal because prior to the hearing, the Department resolved the issue he had appealed. The claimant's 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.

DECISION:

The representative's May 3, 2005 decision (reference 02) is modified in the claimant's favor. The claimant's request to withdraw his appeal is approved. The decision of the representative has been modified by the Department's subsequent \$59.00 payment of benefits for the weeks in question to the claimant.

dlw/s