

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRYAN J TOUCH
Claimant

APPEAL NO. 10A-UI-00637-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**DES MOINES INDEPENDENT
COMMUNITY SCHOOL DISTRICT**
Employer

**Original Claim: 11/22/09
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeals

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated December 17, 2009, reference 02. A hearing was scheduled for February 23, 2010. Prior to the hearing being held, it was determined that the appeal should be withdrawn.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

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 orally. The appellant agreed to withdraw the appeal when it was pointed out that the decision appealed from was not adverse to him.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The representative's decision dated December 17, 2009, reference 02, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Benefits are allowed to Mr. Touch effective November 22, 2009, provided he is otherwise eligible, since he satisfies the availability requirements of the law.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw