

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS A BRERETON
Claimant

APPEAL NO: 11A-UI-13872-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

**OC: 09/18/11
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's October 12, 2011 determination (reference 01) that concluded the claimant was qualified to receive benefits because his employment ended for nondisqualifying reasons. The employer appealed because the claimant worked as a student employee and wages he earned were not insured or covered wages.

A hearing was scheduled on November 16, 2011. The claimant did not respond to the hearing notice or participate in the hearing. Mary Eggenburg appeared on the employer's behalf. At the time of the hearing, the employer withdrew its appeal in this matter. Based on the employer'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 employer withdrew its appeal from the representative's October 12, 2011 determination because the Department did not include any of the wages the claimant earned while working as a student employee for the employer. The employer did not report these wages and none of these wages were used to determine the claimant's monetary eligibility to receive benefits.

The claimant's student employment ended for nondisqualifying reasons. The Department indicated on the notice of claim that the employer's account would be charged nothing for any benefits the claimant may receive during his current benefit year.

The employer'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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved since the Department has considered the wages the claimant earned from the employer as uninsured employment. As of the October 12 determination and the November 16 hearing, the employer's account is not subject to charge because the wages the claimant earned from the employer are not insured for unemployment insurance purposes.

If the Department changes the claimant's status as a student employee and the wages he earns are not insured, the employer must be given the opportunity to appeal that determination.

DECISION:

The representative's October 12, 2011 determination (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant is qualified to receive benefits based on the reasons for his employment separation. The employer's account will not be charged because the claimant worked as a student employee for the employer or in employment that was not covered for unemployment insurance purposes.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css