

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS H MARTINEZ
Claimant

APPEAL NO. 09A-UI-11774-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

TWIN COUNTY DAIRY INC
Employer

OC: 07/05/09
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated August 10, 2009, reference 01, that disqualified him for benefits. Before a final hearing could be scheduled in the matter, the claimant, through his attorney, requested that the appeal be withdrawn

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant, the appellant in this matter, has requested that the appeal be withdrawn.

REASONING AND CONCLUSIONS OF LAW:

A rule found at 871 IAC 26.8(1) allows the administrative law judge to grant an appellant's request for the withdrawal of its appeal. A review of all matters of record persuades the administrative law judge that it is appropriate to allow the withdrawal of this appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

DECISION:

The unemployment insurance decision dated August 10, 2009, reference 01, remains in effect. Benefits are withheld until the claimant has worked in and has been wages for insured equal to ten times his weekly benefit amount, or until the claimant has returned to the employer with an unrestricted release to return to work, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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