

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RENEE G EKLOF
Claimant

APPEAL NO: 12A-UI-09330-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCED SERVICES
Employer

OC: 06/24/12

Claimant: Respondent (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated July 27, 2012 (reference 03). A hearing was scheduled for August 27, 2012. At the time for the hearing, but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made by Advanced Services (employer), the appealing party, to withdraw the appeal. The reason is that the issues relating to the appeal are now moot.

The focus of the representative's decision was that an offer of work made by the employer on June 20, 2012 was not disqualifying to the claimant because she did not have an open claim for unemployment insurance benefits at that time, as she did not establish her claim until the week beginning June 24, 2012. The employer has subsequently learned that rule 871 IAC 24.24(8) provides in part: "Both the offer of work or the order to apply for work and the claimant's accompanying refusal must occur within the individual's benefit year, as defined in subrule 24.1(21), before the Iowa Code subsection 96.5(3) disqualification can be imposed," indicating that the representative's decision was correct. Further, the employer has subsequently learned that its other concerns are moot in that there has been another representative's decision issued on July 23, 2012 (reference 02), which concluded that the claimant had a disqualifying separation from another employer on May 11, 2012; the claimant did not appeal that decision, with the result that the claimant is not otherwise eligible to receive unemployment insurance benefits and has not received any benefits.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated July 27, 2012 (reference 03) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant would be entitled to receive unemployment insurance benefits, provided she was otherwise eligible, which she is not.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw