

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK S JOHNSTON
Claimant

APPEAL NO: 10A-UI-03915-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LEGACY BANK
Employer

OC: 05/03/09
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's March 5, 2010 decision (reference 01) that concluded he was not eligible to receive benefits for the weeks ending May 9 and 16, 2009, because he received vacation pay from the employer for these weeks. On March 19, 2010, the claimant withdrew his appeal in this matter because he had not filed any weekly claims for these two weeks. 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 withdrew his appeal from a March 5, 2010 decision. The claimant withdrew his appeal because he had not filed claims for the two weeks he received vacation pay from the employer.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 March 5, 2010 decision (reference 01) is affirmed. The claimant's withdrawal request is approved. The decision has no affect on the claimant because he did not file claims for the weeks ending May 9 and 16, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css