

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ADA VALLADARS**  
Claimant

**APPEAL NO: 10A-UI-02379-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SCHENKER LOGISTICS INC**  
Employer

**OC: 01/24/09**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from an unemployment insurance decision dated February 5, 2010, reference 02, that concluded the claimant was medically able to work as of February 7, 2010. A hearing was scheduled for April 2, 2010. Prior to the hearing being held, the employer requested the appeal be withdrawn.

**FINDINGS OF FACT:**

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and was recorded. The employer withdrew the appeal after learning that the claimant had filed three weekly claims for the weeks ending January 30, February 6, and February 13. She had been denied benefits because she was not available for work during the weeks ending January 30 and February 6. She was not paid benefits for the week ending February 13. The claimant returned to work full time on February 6, 2010, and earned over \$1,120.00 in wages for the week ending February 13.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 unemployment insurance decision dated February 5, 2010, reference 02, is affirmed. Although the claimant is medically able to work effective February 7, 2010, she would not be eligible for benefits for the week ending February 13, 2010, because she had earnings well over her weekly benefit amount.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css