

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DANIEL VALDEZ**  
Claimant

**APPEAL 16A-UI-07779-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JORDISON CONSTRUCTION INC**  
Employer

**OC: 01/10/16  
Claimant: Respondent (6)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was inadvertently set up on behalf on the employer regarding the February 1, 2016, (reference 01) unemployment insurance decision that found claimant was able and available for work and therefore eligible for benefits. A telephone hearing was scheduled for August 4, 2016 at 9:05 a.m. At the time of the scheduled hearing, the appellant requested the appeal be withdrawn, as it did not intend to appeal the issue from that decision.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was made on the record by the appellant.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated February 1, (reference 01) is approved. That decision shall stand and remain in full force and effect.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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