

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CONSTANCE M MOMENI
Claimant

APPEAL NO: 09A-UI-18844-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASON CITY COMMUNITY SCHOOL DIST
Employer

OC: 04/12/09
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The Appeals Section incorrectly assumed the claimant appealed a representative's December 8, 2009 decision (reference 05) that concluded she was eligible to receive benefits as of November 15, 2009, as long as she reported the wages she earned. The claimant sent a letter to the Appeals Section asking some questions she wanted clarified, but she did not intend to appeal the December 8 decision. A hearing was scheduled on February 2, 2010. The claimant appeared for the hearing. Rhonda Jeffrey appeared on the employer's behalf. The claimant's questions were answered and she verified she had not intended to appeal. The claimant requested the appeal in this matter be dismissed. 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 requested that the appeal based on a representative's December 8, 2009 decision be dismissed. The claimant's withdrawal request was tape-recorded on February 2, 2010.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's December 8, 2009 decision (reference 05) is affirmed. The claimant's withdrawal request is approved. As of November 15, 2009, the claimant remains eligible to receive unemployment insurance benefits and the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css