

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PETER Y GIMBA**  
Claimant

**APPEAL NO. 09A-UI-07968-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAINSTREAM LIVING INC**  
Employer

**OC: 04/26/09**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Peter Gimba filed an appeal from the May 21, 2009, reference 01, decision that denied benefits. A hearing was scheduled for June 18, 2009. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

ON June 17, 2009, Peter Gimba telephoned the Appeals Section staff and requested to withdraw his appeal. The administrative law judge spoke with Mr. Gimba as part of a recorded telephone call, during which Mr. Gimba repeated his request to withdraw his appeal. Hearing was scheduled for June 18, 2009.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw his appeal is approved. The hearing is canceled. The Agency representative's May 21, 2009, reference 01, decision denying benefits shall stand and remain in full force and effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css