

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HELEN M KEHLENBECK
Claimant

APPEAL NO. 10A-UI-02298-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF WEST DES MOINES
Employer

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

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The City of West Des Moines sent correspondence to the Unemployment Insurance Appeals Bureau mistakenly interpreted by the Bureau as an appeal from a fact-finding decision dated February 11, 2010, reference 01, that allowed benefits to Helen M. Kehlenbeck. Due notice was issued for a telephone hearing to be held March 25 2010. On February 26, 2010 the employer contacted the Appeals Bureau to clarify that no appeal had been intended, only a clarification that the separation from employment was a seasonal layoff with no guarantee of rehire.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The employer, the appellant in this matter, has requested that the appeal be withdrawn.

REASONING AND CONCLUSIONS OF LAW:

A rule found at 871 IAC 26.8(1) allows the administrative law judge to grant an appellant's request for the withdrawal of its appeal. A review of all matters of record persuades the administrative law judge that it is appropriate to allow the withdrawal of this appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The unemployment insurance decision dated February 11, 2010, reference 01, remains in effect. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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