

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT E BOTT
Claimant

APPEAL NO: 09A-UI-17391-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MCGRATH AUTOMOTIVE GROUP INC
Employer

OC: 05/24/09
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated November 5, 2009, reference 01, that concluded the claimant was not eligible for extra business-closing benefits. A hearing was scheduled for December 28, 2009. Prior to the hearing being held, the claimant requested the appeal be withdrawn.

FINDINGS OF FACT:

A request has been made by the claimant to withdraw the appeal. The request was submitted orally and was recorded. The claimant mistakenly believed the decision meant he was not eligible for the benefits he had received. In fact, the decision had no effect on the regular unemployment insurance benefits the claimant received.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 November 5, 2009, reference 01, is affirmed. The decision denying the claimant business-closing benefits remains in effect. This decision has no effect on the regular unemployment insurance benefits the claimant received.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css