

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADAM J WILLIAMS

Claimant

APPEAL NO: 15A-UI-00889-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 01/12/14

Claimant: Respondent (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's determination dated January 20, 2015 (reference 02). A hearing was scheduled for February 12, 2015. On the day of the hearing but prior to the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made by Advance Services, Inc. (employer), the appealing party, to withdraw the appeal. The reason for the request is that the determination which is the subject of this appeal dealt only with the question of the claimant's availability for work, and the employer's primary concern was the separation from work which occurred on or about January 14, 2015. The employer has become aware that there has been a more recent representative's determination issued on January 29, 2015 (reference 03); which concluded that the January 14, 2015 separation was disqualifying and that determination has as yet not been appealed. Therefore, the employer concludes that its appeal on the determination regarding the claimant's availability for work is moot.

REASONING AND CONCLUSIONS OF LAW:

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's determination dated January 20, 2015 (reference 02) is affirmed. The request of the appealing party to withdraw the appeal is approved and there will be no hearing. The determination of the representative shall stand and remain in full force and effect. The claimant would be entitled to receive unemployment insurance benefits, if he was otherwise eligible. However, due to the subsequent determination on the separation issued on January 29, 2015 (reference 03), the claimant is currently not otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can