

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMARA D PERKINS
Claimant

APPEAL NO: 11A-UI-15069-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AT & T MOBILITY SERVICES LLC
Employer

OC: 10/16/11
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 15, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because her February 16, 2011 employment separation had been previously adjudicated in a prior claim year. Before a hearing could be scheduled on this appeal, the claimant withdrew her appeal because the issues she appealed were resolved in the decision for appeal 11A-UI-14209-DWT, and the employer in appeal 11A-UI-14209-DWT is the same employer in this appeal. Based on the administrative record, the claimant's withdrawal request, and the law, the administrative law judge finds the February 16, 2011 employment separation has been previously adjudicated, but the claimant is eligible to receive benefits as of October 16, 2011, because she has earned requalifying wages.

FINDINGS OF FACT:

The claimant withdrew her appeal from a representative's November 15, 2011 determination, because the issues she appealed were resolved in the decision for appeal 11A-UI-14209-DWT. The claimant's withdrawal request was tape-recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

Since the claimant earned requalifying wages before she established a new benefit year during the week of October 16, 2011, she is eligible to receive benefits as of October 16, 2011, provided she meets all other eligibility requirements.

DECISION:

The representative's November 15, 2011 determination (reference 02) is affirmed. The claimant's withdrawal request is approved. Even though the claimant was disqualified from receiving benefits as of February 16, 2011, she has earned requalifying wages before October 16, 2011. Therefore, as of October 16, 2011, the claimant is qualified to receive benefits. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs