

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREGORY S LYSEK
Claimant

APPEAL NO: 11A-EUCU-00267-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA

OC: 02/07/10
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal by the Gregory Lysek was treated as an from an unemployment insurance decision dated February 26, 2010, reference 01, that concluded claimant received deductible vacation pay back in 2010. A hearing was scheduled for April 1, 2011. Mary Eggenburg participated in the hearing. After the hearing, I determined that the number entered on the call log for Lysek was incorrect and that the appeal had been set up on the wrong decision. Prior to a decision being issued, Lysek requested the appeal be withdrawn because he was not appealing that decision, he was appealing a decision issued on March 2, 2011, reference 01.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and was recorded. Lysek withdrew the appeal because he never intended to appeal the vacation pay decision that was issued in 2010. The appeal was mistakenly set up. He was appealing a decision issued on March 2, 2011, reference 01, that he was not eligible for regular unemployment benefits because he had not earned \$250.00 in wages since his February 7, 2010. After it was explained that he did not have the necessary wages to qualify for another benefit year of regular benefits, but remained eligible for Emergency Unemployment Compensation, he withdrew his appeal from the decision dated March 2, 2011, reference 01 as well.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 February 26, 2010, reference 01, is affirmed. The decision remains in effect, as Lysek never intended to appeal it. The decision dated March 2, 2011, reference 01, is also affirmed based on the withdrawal of the appeal.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css