

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY A RUMLEY HARBESON**  
Claimant

**APPEAL NO: 11A-UI-15135-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PER MAR SECURITY & RESEARCH CORP**  
Employer

**OC: 05/08/11**  
**Claimant: Respondent (6/R)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's November 14, 2011 determination (reference 02) that held the claimant eligible to receive benefits as of October 16, 2011, because she was then able to and available for work. A hearing was scheduled on December 16, 2011.

Before the hearing started, the parties agreed there was an employment separation issue that needed to be addressed. The claimant did not want to waive her advance notice and requested that the employment separation issue be remanded to the Claims Section for a fact-finding interview. Since the employment separation was the issue the employer actually wanted addressed, the employer withdrew its appeal.

Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

The employer withdrew its appeal from the representative's November 14, 2011 determination. The employer withdrew this appeal because the issue the employer wanted addressed was the claimant's employment separation. This issue will be remanded to the Claims Section for a fact-finding interview. The employer's December 16, 2011 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

**DECISION:**

The representative's November 14, 2011 determination (reference 02) is affirmed. The employer's withdrawal request is approved. This means the claimant is able to and available for work and is eligible to receive benefits as of October 16, 2011. Since there has been an employment separation, this issue is **Remanded** to the Claims Section to schedule a fact finding interview and determine if the claimant is qualified to receive benefits as of October 16, 2011.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css