

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRENT PHILLIPS

Claimant

APPEAL NO: 15A-UI-05911-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OKOBOJI MOTOR COMPANY

Employer

OC: 05/03/15

Claimant: Respondent (6-R)

Section 96.5-3-a – Work Refusal
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from a representative's decision dated May 18, 2015, reference 03, that determined the claimant had not refused a suitable offer of work in May 2014 because he did not have a valid claim for unemployment insurance benefits at that time. A hearing was scheduled for June 18, 2015. Prior to the hearing being held, the employer requested the appeal be withdrawn.

The issue of the claimant's separation from employment with this employer has not yet been adjudicated. Consequently, the issue of the claimant's separation from this employer is remanded to the Claims Section for an initial determination and adjudication.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted verbally and has been recorded.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 decision of the representative dated May 18, 2015, reference 03, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Benefits are allowed, provided the claimant is otherwise eligible.

The issue of the claimant's separation from employment with this employer is remanded to the Claims Section for an initial determination and adjudication.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs