

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY M JANSEN**

Claimant

**APPEAL NO. 06A-UI-09520-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FIRST FEDERAL SAVINGS BANK OF  
SIOUXLAND**

Employer

**OC: 08/20/06 R: 01  
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Mary Jansen filed a timely appeal from the September 8, 2006, reference 01, decision that denied benefits for the week that ended August 26 based on her receipt of vacation pay. A hearing was scheduled for October 10, 2006. Prior to the hearing being held, the appellant requested the appeal be withdrawn. Hearing on appeal number 06A-UI-09521-JTT, concerning a severance pay issue went forward and a separate decision will address that matter.

**FINDINGS OF FACT:**

A request has been made by the appealing party to withdraw the appeal. The request has been submitted by means of a recorded telephone call on October 10, 2006. The claimant's written appeal addressed only the severance pay issue concerning the four-week period ending September 23, 2006. The Agency erroneously included the present matter in the appeal and set the present matter for hearing at the same time. At the beginning of the scheduled proceedings, the claimant clarified that her appeal concerned only the severance pay issue and that she did not intend to appeal the September 8, 2006, reference 01, decision regarding vacation pay and its impact on one week's benefits.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Agency representative's September 8, 2006, reference 01, decision 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.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs