

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATHEW J GRAY
Claimant

APPEAL NO: 12A-UI-07563-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVE BARTLETT CONSTRUCTION INC
Employer

OC: 04/29/12
Claimant: Appellant (6)

871 IAC 26.8(1) – Appeal Withdrawal

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 1, 2012, reference 01, that denied his request for benefits effective April 29, 2012. Prior to the July 11, 2012 scheduled hearing, the claimant withdrew his appeal.

ISSUE:

Whether claimant's request to withdraw his appeal should be approved.

FINDINGS OF FACT:

The administrative law judge having heard the stipulation of the parties finds: The claimant filed an appeal from a department decision that denied his request for business closing benefits, and he did not want to appeal the June 1 decision. A hearing was held on the business closing benefits issue in Appeal Number 12A-UI-07193-ST.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes claimant's request to withdraw his appeal is approved. Claimant wanted to appeal his denial of business closing benefits and a hearing was held on that matter. He did not want to appeal the department June 1, 2012 decision.

DECISION:

The department decision dated June 1, 2012, reference 01, is affirmed. The claimant's withdrawal of appeal is approved and the department decision that denies benefits effective April 23, 2012 remains in force and effect.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css