

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WAYNE J PLACZEK
Claimant

APPEAL NO: 09A-UI-04405-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/09/08
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Wayne J. Placzek (claimant) appealed a representative's March 10, 2009 decision (reference 01) that held he was not eligible to establish a second benefit year as of November 9, 2008, because he had not earned at least \$250.00 either during or after he established a claim as of November 11, 2007. A hearing was scheduled on April 15, 2009. The claimant appeared for the hearing. After explaining the applicable laws regarding regular unemployment insurance benefits and Emergency Unemployment Compensation Benefits, the claimant withdrew his appeal in this matter. Based on the claimant'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 claimant was receiving Emergency Unemployment Compensation Benefits (EUCU) based on the claim he established during the week of November 11, 2007. After he exhausted his EUCU benefits, the week ending October 4, 2008, he applied for regular unemployment insurance benefits again as of November 9, 2008. Before the representative's March 10, 2009 decision was issued, EUCU benefits were extended and the claimant was found eligible to again receive EUCU benefits as of November 23, 2008. He received EUCU benefits until these were exhausted the week ending January 10, 2009.

When the claimant appealed, he mistakenly understood he would be required to repay EUCU benefits he had received. Since the March 10, 2009 representative's decision has nothing to do with EUCU benefits and there is no legal consequence to the claimant as a result of the March 10, 2009 decision, he withdrew his appeal.

REASONING AND CONCLUSIONS OF LAW:

In the claimant's situation, the fact he received a representative's decision holding him ineligible to receive regular unemployment insurance benefits as of November 8, 2008, verifies he was eligible to receive EUCU benefits as of November 23, 2008.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw his appeal is approved.

DECISION:

The representative's March 10, 2009 decision (reference 01) is affirmed. The claimant's withdrawal is approved. While the claimant is not eligible to establish a second benefit year of regular unemployment insurance benefits as of November 9, 2008, this means he was eligible to receive EUCU benefits as of November 23, 2008.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css