

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL L GRADY**  
Claimant

**APPEAL NO: 12A-UI-04995-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WESTERN EDGE LTD**  
Employer

**OC: 03/25/12**  
**Claimant: Respondent (6/R)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's April 26, 2012 determination (reference 03) that held the claimant eligible to receive benefits as of March 25, 2012, because he was then considered able to and available for work. A hearing was scheduled on May 22, 2012. The claimant appeared for the hearing. Melanie Edge appeared on the employer's behalf. The employer withdrew the appeal in this matter. 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:**

Based on an April 5, 2012 Notice of Claim that indicated the employer was not subject to any charges during the claimant's benefit year March 25, 2012, through March 23, 2013, the employer withdrew its appeal from the April 26, 2012 determination. The employer's 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

This matter will be remanded to the Claims Section to review the wages the claimant reported he earned for the weeks ending September 24, 2011, October 1, 2011, February 25, March 3 and 10, 2012. Based on wages he reported for these weeks, he may have earned \$250.00 from an insured employer(s) since March 27, 2011.

**DECISION:**

The representative's April 26, 2012 determination (reference 03) is affirmed. The employer withdrew the appeal in this matter based on an April 5, 2012 notice of claim that indicated the employer's account was not subject to any charge during the claimant's current benefit year. Therefore, the claimant is able to and available for work as of March 25, 2012. This matter is **Remanded** to the Claims Section to review the wages the claimant reported during the weeks ending September 24, October 1, 2011, and February 25, March 3 and 10, 2012, to determine if the claimant has earned \$250.00 in wages from an insured employer since March 27, 2011.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css