

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN J WELSH
Claimant

APPEAL NO. 06A-UI-09974-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HOLY FAMILY CATHOLIC SCHOOLS
Employer

**OC: 08/27/06 R: 04
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeals

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated September 18, 2006, reference 02, which denied benefits to Kevin Welsh for the one ending September 2, 2006 because of his receipt of vacation pay. A hearing was scheduled for October 26, 2006. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: It was not Mr. Welsh's intent to appeal the decision denying benefits for the week ending September 2, 2006. He agrees that the appeal should be considered withdrawn. The acknowledgement has been 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 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 September 18, 2006, reference 02, 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. Mr. Welsh is not eligible for job insurance benefits for the week ending September 2, 2006, because of his receipt of vacation pay from Holy Family Catholic Schools.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw