

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HAROLD E TABER**

Claimant

**APPEAL NO: 09A-UI-16074-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/04/09**

**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed a representative's October 15, 2009 decision (reference 01) that concluded he was not eligible to establish a second benefit year because he had not been paid \$250.00 since his previous benefit year that had been established the week of October 5, 2008. A hearing was scheduled on November 24, 2009.

On November 23, 2009, the claimant withdrew his appeal because the Department reviewed his case and held him eligible to receive EUCU benefits as of September 27, 2009. This determination resolved the issue the claimant had appealed. 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 withdrew his appeal after the Department held him eligible to receive Tier 2 EUC benefits. On November 23, 2009, the Department paid the claimant EUC benefits for the weeks ending September 27 through November 21, 2009. Being found eligible to receive EUC benefits resolved the issue the claimant had appealed. The claimant's November 23 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's withdrawal request is approved.

**DECISION:**

The representative's October 15, 2009 decision (reference 01) is affirmed. The claimant's withdrawal request is approved. The claimant is not eligible to establish a subsequent benefit year as of October 4, 2009, but he has been determined eligible to receive EUC benefits as of September 27, 2009.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs