

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEIDI J KIEFFER**  
Claimant

**APPEAL NO. 08A-UI-01540-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 01/06/08 R: 04**  
**Claimant: Appellant (6)**

Iowa Code Section 96.4(3) – Able & Available  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Heidi Kieffer filed a timely appeal from the February 5, 2008, reference 01, decision that denied benefits and that concluded she did not meet the work availability requirements of Iowa Code section 96.4(3). A hearing was scheduled for March 3, 2008. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing by means of a faxed withdrawal submitted by the claimant on Friday, February 29, 2008 at 3:39 p.m.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Agency representative's February 5, 2008, reference 01, decision 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.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs