

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN D DINGEL
Claimant

APPEAL NO. 15A-UI-09580-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/02/15
Claimant: Appellant (6)

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

STATEMENT OF THE CASE:

Brian Dingel filed an appeal from the August 17, 2015, reference 04, decision that denied benefits for the period of August 2, 2015 through September 5, 2015, based on an Agency conclusion that Mr. Dingel was unable to work during the period in question. An appeal hearing was scheduled for September 22, 2015. The hearing in this matter was consolidated with the hearing in Appeal Number 15A-UI-09579-JTT. Mr. Dingel appeared. The employer in the companion case also appeared. At the start of the hearing, Mr. Dingel requested to withdraw his appeal in both matters.

FINDINGS OF FACT:

Brian Dingel is the appellant in this matter and a companion case. The consolidated telephone hearing was set for 2:05 p.m. on September 22, 2015. At the start of the recorded hearing, Mr. Dingel requested to withdraw his appeal in both matters. Mr. Dingel confirmed that no one had pressured him into withdrawing his appeal. The request to withdraw the appeal was submitted before a decision had been entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The August 17, 2015, reference 04, decision that that denied benefits for the period of August 2, 2015 through September 5, 2015, based on an Agency conclusion that the claimant was unable to work during that period, shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs