

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DENNIS C HARTWIG  
202 N STUB  
WHAT CHEER IA 50268

MAXWELL TILING INC  
10833 HWY 21  
GIBSON IA 50104

Appeal Number: 05A-UI-01343-DWT  
OC: 01/11/04 R: 03  
Claimant: Appellant (6)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Dennis C. Hartwig (claimant) appealed a representative's January 26, 2005 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits for the weeks ending December 18 and 25, 2004 because he was unable to work for Maxwell Tiling, Inc. (employer) because of an injury. A hearing was scheduled for February 23, 2005. At the time of the hearing, the claimant indicated he was not contesting this decision. David Maxwell appeared on the employer's behalf. Based on the claimant's statement that he was not appealing the January 26, 2005 decision, the law, and the administrative record, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant made a request to withdraw this matter because he did not contest the representative's January 26, 2005 decision. The claimant's 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 request to withdraw his appeal is approved.

DECISION:

The representative's January 26, 2005 decision (reference 01) is affirmed. The claimant's request to withdraw his appeal is approved. The claimant is not eligible to receive unemployment insurance benefits for the weeks ending December 18 and 25, 2004, because he was not able to and available for work.

dlw/sc