

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAWRENCE W GOETZMAN**  
Claimant

**APPEAL NO: 13A-UI-13773-D**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DSM HEALTHCARE MANAGEMENT**  
Employer

**OC: 11/10/13**

**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal  
Section 96.7-2-a(2) – Charges Against Employer’s Account

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated December 2, 2013 (reference 01). A hearing was scheduled for January 27, 2014. Prior to the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Should the appellant’s request to withdraw the appeal be granted? Is the employer’s account subject to charge?

**FINDINGS OF FACT:**

A request has been made by DSM Healthcare Management (employer), the appealing party, to withdraw the appeal. In part the request has been made because the employer is not a base period employer on the claimant’s current claim, and so is not subject to charge in the current benefit year.

The claimant’s employment with this employer was from August 28, 2013 through November 8, 2013. The claimant established an unemployment insurance benefit year effective November 10, 2013.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

An employer's account is only chargeable if the employer is a base period employer. Iowa Code section 96.7. The base period is "the period beginning with the first day of the five completed calendar quarters immediately preceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding the date on which the individual filed a valid claim." Iowa Code section 96.19-3. The claimant's base period began July 1, 2012 and ended June 30, 2013. The employer did not employ the claimant during this time, and therefore the employer is not currently a base period employer and its account is not currently chargeable for benefits paid to the claimant.

The request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The decision of the representative dated December 2, 2013 (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account is not subject to charge in the current benefit year because it is not a base period employer.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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