

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT F AUBERT
Claimant

APPEAL NO. 18A-UI-00288-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELDER CORPORATION
Employer

OC: 12/11/16
Claimant: Appellant (6)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated January 5, 2018, reference 01. A hearing was scheduled for January 29, 2018. Appellant requested the appeal be withdrawn at the time of the hearing as the confusion on the receipt of benefits had been resolved.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The claimant / appellant in this matter filed an appeal on January 8, 2018. Shortly after claimant filed his appeal, employer in this matter contacted IWD and informed that claimant had been on layoff since December 23, 2017. Claimant has been receiving unemployment benefits in this matter since that date.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated January 5, 2018, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the recent decision of IWD allowing claimant to receive benefits since 12-23-2017 shall stand and remain in full force and effect. Claimant is entitled to receive unemployment insurance benefits, provided eligibility requirements have been satisfied.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn