

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SALOMON J MONTALVO
Claimant

APPEAL NO. 11A-EUCU-00656-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**VERMEER MANUFACTURING COMPANY
INC**
Employer

OC: 01/18/09
Claimant: Respondent (6)

Iowa Code Section 96.4(3) – Refusal of Suitable Work
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the August 12, 2011, reference 01, decision that allowed benefits, provided the claimant was otherwise eligible, and that concluded there was no offer of employment *on July 6, 2011*. A hearing was scheduled for September 7, 2011. The claimant was not available at the number he had provided for the hearing. Heather James, Human Resources, appeared for the employer. Prior to the hearing being held, the employer/appellant requested that the appeal be withdrawn.

FINDINGS OF FACT:

Vermeer Manufacturing Company is the appealing party. Vermeer filed an appeal from a ruling that there was no job offer *on July 6, 2011*. The employer concedes there was no job offer on that date because the employer lacked a telephone number for claimant Salomon Montalvo. The employer subsequently made a formal offer of employment on August 15, 2011. The claimant accepted that offer and continues in that new employment at this time. The claimant discontinued his claim for benefits after the week that ended August 13, 2011. After a brief discussion between the administrative law judge and employer representative Heather James to clarify what the August 12, 2011, reference 01, was and was not about, Ms. James requested to withdraw the employer's appeal. The request occurred as part of a recorded telephone call as the administrative law judge was setting up the hearing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The employer's request to withdraw the appeal is approved. The Agency representative's August 12, 2011, reference 01, decision that concluded there was no job offer on July 6, 2011 shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css