

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID A ANDERSON**  
Claimant

**APPEAL NO. 15A-UI-06950-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MACHIN METALS INC**  
Employer

**OC: 05/03/15**  
**Claimant: Appellant (6)**

Iowa Code Section 96.5(7) - Vacation Pay  
Iowa Code Section 96.6(12) - Timeliness of Appeal  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

David Anderson filed a late appeal from the June 2, 2015, reference 03, decision that denied benefits for the week ending May 9, 2015, based on an Agency conclusion that he received or was eligible to receive vacation pay that was deductible from his unemployment insurance benefits for that week. A hearing was scheduled for July 22, 2015. The hearing was consolidated with the hearing in Appeal Number 15A-UI-06951-JTT. The employer appeared for the hearing through Attorney, Brian McPhail. At the time set for the hearing, Mr. Anderson requested to withdraw his appeal in both cases.

**FINDINGS OF FACT:**

Claimant David Anderson is the appellant in this appeal and a companion appeal. The consolidated appeal hearing was set for July 22, 2015. At the time of the hearing, the administrative law judge contacted Mr. Anderson at the telephone number he had provided for the hearing. Mr. Anderson advised that he was newly employed and requested to withdraw the appeal. Mr. Anderson confirmed that he had not been pressured to withdraw the appeal. Mr. Anderson's request to withdraw the appeal was recorded. Mr. Anderson's request to withdraw the appeal was made 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative file and concludes that Mr. Anderson's request to withdraw the appeal should be approved.

**DECISION:**

The claimant's request to withdraw the appeal is approved. The June 2, 2015, reference 03, decision that denied benefits for the week ending May 9, 2015, based on an Agency conclusion that the claimant had received or was eligible to receive vacation pay that was deductible from his unemployment insurance benefits for that week, shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/mak