

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNY F HERMAN**  
Claimant

**APPEAL NO. 10A-UI-16601-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**  
Respondent

**OC: 11/21/10**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeals

**STATEMENT OF THE CASE:**

An appeal was filed from a monetary determination dated November 24, 2010, which indicated “0” dependents on Jenny Herman’s claim. A hearing was scheduled for January 14, 2011. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

**ISSUE:**

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

**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 request has been submitted in writing.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved. Workforce Development has now added the additional dependent sought to be added through the appeals process.

**DECISION:**

The monetary determination dated November 24, 2010 is affirmed but has been replaced by subsequent agency action favorable to Ms. Herman. The request of the appealing party to withdraw the appeal is approved as the issue is now moot.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw