

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTINE HOBSON
Claimant

APPEAL NO: 15A-UI-13341-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

K MART CORP
Employer

OC: 07/12/15
Claimant: Appellant (6-R)

Section 96.4-3 – Able and Available for Work – Same Hours and Wages
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated November 24, 2015, reference 02. A hearing was scheduled for December 22, 2015. Prior to the hearing being concluded, the claimant requested the appeal be withdrawn.

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The issue is whether the appeal should be withdrawn.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 request has been submitted verbally and has been recorded.

The claimant was separated from this employer subsequent to the representative's decision in the able and available matter being issued November 24, 2015. She agrees her hours did not decrease after November 1, 2015. The issue of the claimant's separation from employment December 4, 2015, has not yet had an initial determination and adjudication.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 November 24, 2015, reference 02, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. There are issues surrounding the claimant's separation from this employer. Those issues are remanded to the Claims Section for an initial determination and adjudication.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs