

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EVELYN HENRICKSON
Claimant

APPEAL NO: 10A-UI-05085-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CDS GLOBAL INC
Employer

OC: 08/17/08

Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated March 29, 2010 (reference 01). A hearing was scheduled for May 19, 2010. At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made by Evelyn Henrickson (claimant), the appealing party, to withdraw the appeal. The reason for the request is that she does not disagree with the content of the representative's decision, which concluded that she was not eligible for unemployment insurance benefits for the week ending May 16, 2009, due to the receipt of vacation pay attributable to that week; the claimant did report the vacation pay on her weekly claim for that week, and no benefits were paid. As a result, there is no actual dispute regarding the correctness of the representative's decision, nor are there any other negative repercussions, such as any overpayment of benefits paid, resulting from the representative's decision.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated March 29, 2010 (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant was not entitled to receive unemployment insurance benefits for the week ending May 16, 2009 due to the receipt of vacation pay, nor did she receive any benefits for that week. For other weeks, benefits are allowed provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css