

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RORY LUEHRSMANN

Claimant

APPEAL NO. 09A-UI-17275-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND MEDICAL SUPPLY INC

Employer

Original Claim: 10-26-08

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 November 5, 2009, reference 02. A hearing was scheduled for December 23, 2009. During the hearing, the appellant requested the appeal be withdrawn.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The issue is whether the appeal should be withdrawn.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 representative's decision stating the claimant's request to have his claim redetermined as a business closing was issued in error, as the claimant never asked to have his claim redetermined. The claimant accepted another position in April 2009 and continues to work for that employer. He stopped claiming benefits after accepting his new position and before his benefits were exhausted. The representative's decision will have no effect on the claimant's past claims or any future claims. Under these circumstances, the claimant made a decision to withdraw the appeal. The request has been submitted verbally and has been recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated November 5, 2009, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw