

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LIBBY A REYNOLDS
Claimant

APPEAL NO: 10A-UI-05892-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VON MAUR INC
Employer

OC: 03/21/10

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 April 13, 2010 (reference 02). A hearing was scheduled for June 8, 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 At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn.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 Libby A. Reynolds (claimant), the appealing party, to withdraw the appeal. The request has been made because the issue of the claimant's reporting of the vacation pay to the incorrect week has been corrected, so that she was not eligible for benefits for the week ending March 27, 2010, but was eligible and has been paid unemployment insurance benefits for the week ending April 3, 2010 the week in which she initially reported the vacation pay.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 April 13, 2010 (reference 02) 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 March 27, 2010 due to the receipt of vacation pay, but was eligible for weeks thereafter, provided she was otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css