

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE A HYER
Claimant

APPEAL NO: 11A-UI-14738-SW

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD SAMARITAN SOCIETY INC
Employer

**OC: 10/16/11
Claimant: Appellant (6-R)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated November 7, 2011, reference 01, that concluded the claimant was disqualified from receiving benefits effective October 16, 2011. A hearing was scheduled for January 23, 2012. Prior to the hearing being held, the claimant requested the appeal be withdrawn.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and was recorded. The reason the claimant withdrew her appeal is that she was reinstated and received wages for the time period she was unemployed. On December 2, 2011, the claimant was again discharged. She filed for unemployment insurance benefits effective December 4, 2011. The claimant has produced proof of receiving wages of over \$2,560.00 since her disqualifying separation on October 6, 2011, which would satisfy the disqualification imposed in the decision dated November 7, 2011. The claimant was determined qualified for benefits based on the separation on December 2, 2011.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 unemployment insurance decision dated November 7, 2011, reference 01, is affirmed. The decision disqualifying the claimant remains in effect, but the disqualification is removed effective

December 4, 2011, because she has earning requalifying wages. This case is remanded for the Agency to unlock the claim effective December 4, 2011.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css