

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL A ROBINSON
Claimant

APPEAL NO: 10A-UI-00306-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KWIK TRIP INC
Employer

OC: 12/20/09
Claimant: Appellant (6)

871 IAC 24.26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's January 11, 2010 decision (reference 01) that held him disqualified from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A hearing was scheduled on February 15, 2010. Prior to the hearing, the Department issued a decision on February 2, 2010 (reference 04) that amended the decision for reference 01. The February 2, 2010 decision held the claimant was qualified to receive benefits because he quit to attend school through the Trade Adjustment Assistance Program. The employer's account was held exempt from charge.

Before the February 15, 2010 hearing began, the claimant and Chelle Powers, the employer's witness, were told about the February 2 decision and that it amended the January 11, 2010 decision. The parties agreed the February 2, 2010 decision resolved the issues the hearing was to address and that there was no need for a hearing. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant withdrew his appeal from a representative's January 11, 2010 decision (reference 01) after a February 2, 2010 decision (reference 04) amended the January 11 decision and resolved the issues in favor to both parties. The claimant's withdrawal request and the employer's agreement to dismiss this matter were tape-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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw his appeal and the employer's agreement to this action is approved.

DECISION:

The representative's January 11, 2010 decision (reference 01) has been amended by a representative's February 2, 2010 decision (reference 04). The February 2, 2010 decision is affirmed. The claimant's withdrawal request is approved. As a result of the February 2, 2010 decision, the claimant is qualified to receive benefits as of December 20, 2009, because he quit his employment to attend school through the Trade Adjustment Assistance Program. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css