

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA L LENOIR
Claimant

APPEAL NO: 15A-UI-06946-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KINSETH HOTEL CORPORATION
Employer

OC: 06/15/14
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated March 19, 2015, (reference 05). A hearing was scheduled for July 22, 2015. At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn.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 Kinseth Hotel Corporation (employer), the appealing party, to withdraw the appeal. The request was submitted because the employer now understands that for the claimant's claim year beginning June 15, 2014, the employer is not a base period employer and is therefore not subject to charge, and that the claimant has not established a new claim year after the expiration of the claim year as of June 14, 2015. The employer further understands that should the claimant establish a new claim year after June 14, 2015 for which it would be a base period employer, it will have an opportunity to protest and raise any issues it may have at that time as to the claimant's eligibility for unemployment insurance benefits

REASONING AND CONCLUSIONS OF LAW:

Rule 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 representative's decision dated March 19, 2015 (reference 05) 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 is entitled to receive unemployment insurance benefits under the claim year established June 15, 2014, provided he is otherwise eligible. The employer's account is not subject to charge in the June 15, 2014 benefit year because it is not a base period employer for that benefit year.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/mak