

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN E BLY
Claimant

APPEAL NO. 14A-UI-08477-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN SPIRIT CORPORATION
Employer

OC: 07/06/14
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Robin Bly filed an appeal from the August 8, 2014, reference 01, decision that denied benefits for the week that ended July 12, 2014, based on an Agency conclusion that she had unduly limited her work availability that week. A hearing was scheduled for September 4, 2014. Ms. Bly did not respond to the hearing notice instructions to provide a telephone number for the hearing. The employer was available for the hearing. The employer facilitated Ms. Bly's contact with the administrative law judge. Prior to any evidence being presented, Ms. Bly advised that she wished to withdraw her appeal in this and a companion case.

FINDINGS OF FACT:

Robin Bly is the appellant in this matter and in a companion case. The hearing was set for September 4, 2014. Prior to any evidence being presented, Ms. Bly requested to withdraw her appeal in this matter and the companion case. The administrative law judge spoke with Ms. Bly to determine that the request to withdraw the appeal was an informed decision and a voluntary decision. The administrative law judge's conversation with the claimant was recorded. The request to withdraw the appeal was made before a decision had entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The Claims Deputy's August 8, 2014, reference 01, decision that denied benefits for the week ending July 12, 2014, based on an Agency conclusion that the claimant did not meet the availability requirement that week, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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