

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ERIC R GIBSON**

Claimant

**APPEAL NO. 06A-UI-12415-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TECH TEAM GLOBAL INC**

Employer

**OC: 12/03/06 R: 4  
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant, Eric Gibson, filed an appeal from a decision dated December 22, 2006, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was scheduled to be held by telephone conference call on January 17, 2007.

**ISSUE:**

The issue is whether the appeal should be dismissed.

**FINDINGS OF FACT:**

The appeal hearing in this matter was scheduled to be held by telephone conference call on January 17, 2007. The day of the hearing Appellant Eric Gibson requested a postponement because he was in the hospital for an emergency medical procedure. The postponement was granted and the administrative law judge informed the claimant it would not be rescheduled until he provided documentation to the Appeals Section establishing the dates of his hospitalization and release by his physician.

The Appeals Section received no contact from the claimant for two months. On March 16, 2007, a letter was sent to the claimant's last-known address by regular United States Postal Service and by certified mail return receipt requested. The letter notified the claimant he had until the end of the business day on Monday, April 2, 2007, to contact the Appeals Section with the requested information, or to make other arrangements regarding the hearing. If nothing was received by that date the appeal would be considered withdrawn.

As of the end of business on April 12, 2007, the letter sent by regular United States Postal Service had not been returned as undeliverable for any reason. The United States Postal Service confirmed a notice was left for the claimant on March 21, 2007, but the letter was unclaimed as of April 7, 2007.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appeal was set for hearing according to his request. His request for a postponement was also granted. However, he failed to comply with the order of the judge to notify the Appeals Section when he had been released from the hospital, and he failed to respond to letters sent to him two months later, requesting his cooperation. Therefore, Eric Gibson's appeal is dismissed and the representative's decision remains the final agency action.

**DECISION:**

The representative's decision of December 22, 2006, reference 01, is affirmed. Eric Gibson is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css