

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA L JAYNES
Claimant

APPEAL NO: 11A-UI-01376-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

YOUNG MENS CHRISTIAN ASSN
Employer

OC: 11/14/10
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's December 29, 2010 determination (reference 03) that concluded the claimant was qualified to receive benefits and the employer's account was subject to charge because the claimant worked on an on-call basis. A hearing was scheduled on March 3, 2011. Prior to the hearing, the employer made a request to withdraw the appeal. Based on the employer's withdrawal request, 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 employer withdrew its appeal from the representative's December 29, 2010 determination. The employer's withdrawal request was faxed to the Appeals Section on March 1, 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

DECISION:

The representative's December 29, 2010 determination (reference 03) is affirmed. The employer's request to withdraw the appeal is approved. This means the claimant remains qualified to receive benefits as of November 14, 2010, provided she meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css