

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRYSTAL R SMITH**  
Claimant

**APPEAL NO: 14A-UI-10223-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 12/22/13**  
**Claimant: Respondent (6/R)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's September 24, 2014 determination (reference 01) that held the claimant eligible to receive benefits because she was still employed part time and was working when work was available. The claimant did not respond to the hearing notice or participate at the scheduled October 21 hearing. When the employer was contacted for the hearing, the employer verified that the issue the employer wanted addressed was the claimant's September 2014 employment separation. Since this issue could not be addressed at the hearing, the employer withdrew its appeal from the September 24 determination, but requested that this matter be remanded the Benefits Bureau to address the claimant's employment separation. 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 an appeal from a representative's September 24, 2014 determination (reference 01). Since the claimant has not filed any weekly claims after March 22, 2014, the September 24, 2014 determination has no legal consequence since the claimant must reopen her claim and establish her eligibility to receive benefits at this later date. The employer appealed because the Benefits Bureau did not address the reasons for the claimant's employment separation. Information was provided at a September 18, 2014 fact-finding interview but no appealable determination has been made on this issue. The employer's October 21, 2014 withdrawal request and request to have a determination issued regarding the reason for the claimant's employment was recorded by the administrative law judge.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 recorded by the presiding officer.

The employer's request to withdraw this appeal is approved. The employer's request to have this matter remanded to the Benefits Bureau to issue an appealable determination concerning the claimant's September 2014 employment separation is also approved.

**DECISION:**

The representative's September 24, 2014 determination (reference 01) is affirmed. The employer's withdrawal request is approved.

The issue regarding the claimant's September 2014 employment separation is **Remanded** to the Benefits Bureau. This issue may have been addressed in a September 18, 2014 fact-finding but no appealable determination was issued. If a fact-finding interview is necessary to address the claimant's employment separation, the Benefits Bureau is directed to schedule a fact-finding interview. If the September 18 fact-finding interview addressed the claimant's employment separation, the Benefits Bureau is directed to issue an appealable determination to the parties.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css