

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JALISA BROWN
Claimant

APPEAL NO: 15A-UI-09051-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELITE LABOR SERVICES WEEKLYS LTD
Employer

OC: 02/15/15
Claimant: Respondent (6)

Section 96.4-3 – Able and Available – Same Hours and Wages
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from a representative's decision dated August 7, 2015, reference 01. A hearing was scheduled for September 1, 2015. Prior to the hearing being held, the employer requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted verbally and has been recorded.

The claimant is still employed with the employer. She was working a reduced work week the three weeks ending July 25, 2015.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated August 7, 2015, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The claimant is still employed with this employer. Benefits are allowed for the three weeks ending July 25, 2015, because the claimant's hours were reduced for those three weeks, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css