

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

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702 J ST NW  
MIAMI OK 74354

AP COMP POWER INC  
FIELD PAYROLL  
2000 DAY HILL RD  
PO BOX 568  
WINDSOR CT 06095

Appeal Number: 04A-UI-07642-DWT  
OC: 06/20/04 R: 12  
Claimant: Respondent (6)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Alstom Power, Inc. appealed a representative's July 9, 2004 decision (reference 01) that concluded George A. Dainty (claimant) was qualified to receive unemployment insurance benefits because his job had been eliminated. A hearing was scheduled for August 6, 2004. Edna Wirth appeared on behalf of APCompPower, Inc. (employer) and requested that the appeal in this matter be withdrawn. 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:

Alstom Power, Inc. is the parent company of APCompPower, Inc., the employer in this matter. Alstom Power, Inc. appealed only because the claimant had never worked for this business entity. The claimant worked for APCompPower, Inc. whose account number is 227921-4. Edna Wirth, an employee of APCompPower, Inc., appeared on APCompPower, Inc.'s behalf and understood the confusion that had been caused when Alstom Power, Inc. was incorrectly noted as the claimant's employer. APCompPower, Inc. does not protest the claimant's receipt of benefits because the claimant was laid off when his job was eliminated. Since the claimant worked for APCompPower, Inc. and there is no dispute that the claimant's job was eliminated, APCompPower, Inc. made a request to withdraw the appeal in this matter. The request was tape-recorded.

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 request of APCompPower, Inc. to withdraw the appeal in this matter is approved.

DECISION:

The representative's July 9, 2004 decision (reference 01) is affirmed. APCompPower, Inc.'s request to withdraw the appeal is approved. The Department is directed to note that APCompPower, Inc.'s account number is 227921-4. The claimant remains qualified to receive unemployment insurance benefits as of June 20, 2004, provided he meets all other eligibility requirements. The employer is not a base period employer and will not be charged any benefits during the claimant's current benefit year.

dlw/tjc