

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

JONI K STEEVE
722 S 14TH ST
CLARINDA IA 51632

NSK CORPORATION
C/O TALX UCM SERVICES INC
PO BO 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-02643-DWT
OC 11/02/03 R 01
Claimant: Appellant (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.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Joni K. Steeve (claimant) appealed a representative's March 1, 2004 decision (reference 05) that concluded she was not eligible to receive unemployment insurance benefits based on a representative's February 16, 2004 decision. The claimant had appealed the February 16 decision and a hearing was held on March 4. On March 10, 2004, an administrative law judge modified the February 16, 2004 decision.

The claimant filed an appeal from the representative's March 1 decision on March 4. A hearing on this appeal was scheduled on March 31, 2004. When the claimant was called for the March 31 hearing, she withdrew her appeal because the issue had been addressed in an administrative law judge's March 10 decision and the claimant understood she had to appeal the March 10 decision to the Employment Appeal Board if she disagreed with the decision.

Based on 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 claimant made a request to withdraw her appeal from a representative's March 1, 2004 decision because the issue she appealed was addressed in an administrative law judge's March 10 decision. The claimant understood she must appeal to the Employment Appeal Board if she disagrees with the March 10, 2004 administrative law judge's decision. The claimant's withdrawal 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 claimant's request to withdraw her appeal in this matter is approved.

DECISION:

The representative's March 1, 2004 (reference 05) is modified by an administrative law judge's March 10, 2004 decision. The claimant's request to withdraw her appeal is approved because an earlier decision has already addressed the issue the claimant appealed. Therefore, based on an administrative law judge's March 10, 2004 decision, the claimant is only ineligible to receive benefits for the weeks ending December 27, 2003 and January 3, 2004.

dlw/b