

**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**

**JULIE L SILBAUGH
1829 SHERWOOD AVE
JEFFERSON IA 50129 7711**

**TRINITY REGIONAL MEDICLA CENTER
C/O TED VAUGHN ACCOUNTING
802 KENYON RD
FORT DODGE IA 50501**

**Appeal Number: 06A-UI-03858-DWT
OC: 02/12/06 R: 01
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.

(Administrative Law Judge)

(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The Appeals Section mistakenly considered Trinity Regional Medical Center's (employer) April 3 letter of inquiry as an appeal from a representative's March 31, 2006 decision (reference 02) that concluded Julie L. Silbaugh (claimant) was qualified to receive unemployment insurance benefits because she declined the employer's offer of work with good cause. A hearing was scheduled on April 25, 2006. The claimant was present for the hearing. Ted Vaughn, Shar Nelson and Joan Kennedy appeared for the hearing. Before the hearing began, the employer confirmed that the employer's April 3 letter was not an appeal letter. The employer only wanted some questions answered. On April 25, the employer confirmed there were no issues in dispute and the matter should be considered withdrawn.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:

The Appeals Section mistakenly concluded the employer's April 3 letter was an appeal from a representative's March 31, 2006 decision and requested that this matter be withdrawn because there were no issues in dispute. The claimant has never worked or earned wages for the employer. The employer'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 employer's request to withdraw its appeal is approved. The employer's account will not be charged for any benefits paid to the claimant.

DECISION:

The representative's March 31, 2006 decision (reference 02) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of March 12, 2006, provided she meets all other eligibility requirements. The employer's will not be charged.

dlw/kjf