

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JIM A HOOVER**  
Claimant

**APPEAL NO: 07A-UI-03003-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING**  
Employer

**OC: 10/22/06 R: 04**  
**Claimant: Respondent (6/R)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On March 20, 2007, Sedona Staffing (employer) sent a letter to the Appeals Section inquiring about the employer's protest or information the employer provided to the Department on February 5, 2007 concerning an offer of work the employer made to Jim A. Hoover (claimant) on January 24, 2007, that he had declined. The Appeals Section did not forward the employer's inquiry to the Claims Section. Instead an appeal was scheduled based on a representative's January 23, 2007 decision (reference 02) that concluded the claimant's employment that ended on December 16, 2006, was for nondisqualifying reasons. On April 2, 2007, the employer contacted the Appeals Section. The employer explained that the employer never intended to appeal the January 23, 2007 (reference 02) decision, but only wanted the issue of whether the claimant refused the employer's offer suitable work investigated by the Claims Section. Since the employer never intended to appeal the January 23, 2007 representative's decision, the employer requested that the appeal scheduled for the December 16, 2006 separation issue be withdrawn.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:**

The employer withdrew the appeal that was scheduled based on a representative's January 23, 2007 decision (reference 02). The employer's April 2, 2007 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 the appeal scheduled for the representative's January 23, 2007 decision (reference 02) is approved.

The issue of whether the claimant refused an offer of suitable work on January 24, 2007, is remanded to the Claims Section to investigate and issue a decision to the parties.

**DECISION:**

The representative's January 23, 2007 decision (reference 02) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of December 16, 2006, provided he meets all other eligibility requirements. The employer's account may be charged. The issue of whether the claimant refused an offer of suitable work with or without good cause on January 24, 2007, is remanded to the Claims Section to investigate and issue a written decision to the parties.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs