

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THUY NGUYEN**  
Claimant

**APPEAL NO: 16A-UI-08662-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/10/16**  
**Claimant: Appellant (6)**

Section 96.4-3 – Able and Available for Work  
871 IAC 24.3(1)e – Failure to Report as Directed  
871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated August 3, 2016, reference 04. A hearing was scheduled for August 26, 2016. Prior to the hearing being held, the claimant requested the appeal be withdrawn.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The issue is whether the appeal should be withdrawn.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.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 3, 2016, reference 04, 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. Benefits are denied, until such time as the claimant has worked in insured work and earned ten times her weekly benefit amount, provided she is otherwise eligible. The claimant is not overpaid benefits.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs