

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA J BROWN
Claimant

APPEAL NO. 10A-UI-08448-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PARK PROFESSIONAL SERVICES INC
Employer

OC: 01/17/10
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's June 1, 2010 decision (reference 02) that concluded the claimant was eligible to receive benefits as of April 11, 2010 because she was considered partially unemployed and was not working the same hours as when she was hired. A hearing was scheduled on July 29, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Angela Wubben appeared on the employer's behalf. After the employer learned the claimant had not filed any weekly claims since the week ending February 27, 2010, and she would be required to reopen her claim if she wanted to file for benefits again, the employer withdrew its appeal in this matter. 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.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The employer withdrew its appeal from the representative's June 1, 2010 decision because the representative's decision has no legal consequence when the claimant has not filed any weekly claims since February 27, 2010. The employer's July 29, 2010 withdrawal 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

DECISION:

The representative's June 1, 2010 decision (reference 02) is affirmed. The employer's withdrawal request is approved. Although the decision held the claimant eligible to receive benefits as of April 11, 2010, she has not filed any weekly claims since the week ending February 27, 2010. Before the claimant can again receive benefits, she must reopen her claim. At that time, the employer will receive a notice of claim that they can respond to. Since the issue of availability as of April 11, 2010 is moot, the employer withdrew the appeal.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw