

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERALD O QUALLS
Claimant

APPEAL NO. 10A-UI-07588-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MCGILL AIRFLOW LLC
Employer

**OC: 04/18/10
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 11, 2010, reference 02, decision that denied benefits for the two weeks ending May 8, 2010. A telephone hearing was scheduled for July 12, 2010. Prior to the hearing being held, the issue of vacation pay was re-determined in favor of the claimant and the request was made to have the appeal withdrawn.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal filed May 24, 2010.

FINDINGS OF FACT:

The administrative law judge having considered all of the evidence in the record, finds: That the vacation pay has been re-determined in favor of the claimant and a request has been made to withdraw the appeal. The request has been submitted on the record.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 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 Agency representative's decision dated May 11, 2010, reference 02, is affirmed. Prior to the hearing being held, the issue of vacation pay was re-determined in favor of the claimant and the request was made to have the appeal withdrawn. The request of the appealing party to withdraw the appeal is approved.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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