

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORI A FARSTEAD**  
Claimant

**APPEAL NO. 10A-UI-08445-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**VERASUN ENERGY CORP**  
Employer

**OC: 08/23/09**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's June 7, 2010 decision (reference 01) that denied the claimant's request for her claim to be redetermined as a business closing. A hearing was scheduled on July 29, 2010. The claimant appeared for the hearing. Mark Dickey appeared on the employer's behalf. At the time of the hearing, the employer withdrew the appeal in this matter after the claimant learned she had received Emergency Unemployment Insurance Compensation benefits for the weeks ending June 12 through July 10, 2010. Since the claimant received benefits for these weeks, she did not pursue business closing benefits. Based on the employer's withdrawal, 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 June 7, 2010 decision. The employer only withdrew after the claimant learned she had received Emergency Unemployment Compensation benefits for the weeks ending June 12 through July 10, 2010. As a result of this payment, the claimant did not need to pursue business closing benefits and the employer withdrew the appeal on July 29, 2010. The withdrawal request and conversation 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 7, 2010 decision (reference 01) is affirmed. The employer's withdrawal request is approved. Although the claimant is not receiving business closing benefits, she has received Emergency Unemployment Compensation benefits for the weeks ending June 12 through July 10, 2010.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw