

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELODIE J ERICKSON**  
Claimant

**APPEAL NO. 10A-UI-15836-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 07/18/10**  
**Claimant: Appellant (6)**

Iowa Code § 96.5(1) – Voluntary Leaving – Part-Time Employment  
871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated November 5, 2010 (reference 02). A hearing was scheduled for January 4, 2011. Prior to the hearing being completed, the appellant requested the appeal be withdrawn after the ALJ explained to the parties that the IWD telephone representative was in error when he told claimant that her claim was locked and she would have to file an appeal. The only reason she did not receive benefits for the week ending December 4, 2010 is because she earned and reported sufficient wages for the week to render her temporarily ineligible for benefits.

**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The issue is whether the appeal should be withdrawn.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:**

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 decision of the representative dated November 5, 2010 (reference 02) 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. Her claim is not locked, she is entitled to benefits, provided she is otherwise eligible, and the account of Hy-Vee, Inc. is not chargeable.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw