

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEPHINE SABIMANA
Claimant

APPEAL NO: 13A-UI-05304-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 03/17/13

Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated April 26, 2013 (reference 04). A hearing was scheduled for June 7, 2013. At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made by QPS Employment Group, Inc. (employer), the appealing party, to withdraw the appeal. The reason for the request is that, while the representative's decision addressed only the separation from employment between the employer and Josephine Sabimana (claimant), the employer did not actually contest the determination of the separation itself; rather, what the claimant wished to have determined was the claimant's eligibility by being able and available for work for the benefit weeks ending March 23 and March 30, 2013. The employer has now become aware that there has been another determination issued regarding a different employer which has had the effect of determining that the claimant was not eligible to receive unemployment insurance benefits for the two weeks in question because of not being able and available for work because of being employed under her same hours and wages with that other employer. The claimant did not appeal that other decision. While the claimant's status as far as being able and available for work in the future might be subject to change, as the claimant has been found to be ineligible for benefits for the two weeks of concern to the employer, the employer has concluded that there is no need to pursue the matter in this case or with regard to resolving the availability issue further.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated April 26, 2013 (reference 04) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant would be entitled to receive unemployment insurance benefits, provided she is otherwise eligible. She is not currently otherwise eligible to receive unemployment insurance benefits due to the separate determination that she is not able and available for work.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css