

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICHARD H FELTS**  
Claimant

**APPEAL NO: 09A-UI-17633-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REILLY CONSTRUCTION COMPANY INC**  
Employer

**OC: 12/21/08**

**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated September 10, 2009 (reference 04) that concluded Richard H. Felts (claimant/appellant) was not eligible for unemployment insurance benefits after a separation from employment from Reilly Construction Company, Inc. (employer/respondent). A hearing was scheduled for January 10, 2010 in conjunction with one related appeal, 09A-UI-17635-DT. While the claimant/appellant was not available when the administrative law judge called at the scheduled time for the hearing, when the claimant returned the call to the administrative law judge and explained the reason he had not been available, rather than requesting that the hearing be rescheduled, the claimant/appellant requested the appeal be withdrawn.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 Richard H. Felts (claimant), the appealing party, to withdraw the appeal.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 September 10, 2009 (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 is not entitled to receive unemployment insurance benefits as of August 14, 2009 until he has requalified, provided he is then otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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