

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBBIE KLEIN
Claimant

APPEAL NO. 14A-UI-01136-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/31/13
Claimant: Appellant (6)

871 IAC 24.2(1)g – Retroactive Benefits
Section 96.6-2 – Timeliness of Appeal
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 16, 2014 (reference 02) decision that denied her request for retroactive benefits. After due notice was issued, a telephone conference call hearing was scheduled on February 24, 2014. The appellant requested the appeal be withdrawn.

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The issue is whether the appeal should be withdrawn.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 in verbally and has been recorded.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to withdraw her appeal for retroactive benefits is moot as she has exhausted her regular unemployment benefits and Congress did not authorize an extension of emergency or extended unemployment insurance benefits.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 January 16, 2014, reference 02, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative denying retroactive benefits shall stand and remain in full force and effect because the claimant has exhausted her regular unemployment insurance benefits, extended or emergency benefits no longer exist, and consequently the issue of retroactive benefits is moot.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs