

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MANDY J ROBERTSON
Claimant

APPEAL NO. 15A-UI-13905-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 12/06/15
Claimant: Respondent (6/R)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated December 16, 2015, reference 01. A hearing was scheduled for January 11, 2016. At the time the hearing was to be held, appellant requested the appeal be withdrawn. Appellant appeared through representative Michael Payne.

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The issue is whether the appeal should be withdrawn.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. Appellant realized that the issue that was before the court – that of an active work search was not an issue with which he had a question. Rather, the appellant believed that the issue which should have been determined by the fact finder was that of whether claimant had voluntarily quit her job without good cause attributable to employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 December 16, 2015, reference 01, 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. Claimant is entitled to receive unemployment insurance benefits, provided eligibility requirements have been satisfied. The fact finder in this matter shall determine whether this the issue of separation is to be explored.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can