

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MARY E WINSTON
3540 WILLOW ST
MYRTLE BEACH SC 29577

WINSTON'S DETAILING SERVICES
605 – 7TH ST
ATLANTIC IA 50022

Appeal Number: 04A-UI-04650-DWT
OC 11/23/03 R 01
Claimant: Appellant (6)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Mary E. Winston (claimant) appealed a representative's April 14, 2004 decision (reference 03) that denied her request to redetermine her claim as a business closing. A hearing was scheduled for May 26, 2004. Prior to the hearing, the claimant made a request to withdraw her appeal. Based on the claimant's withdrawal request, the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant made a request to withdraw this appeal. The claimant faxed her written request to withdraw or cancel her appeal. The Appeals Section received his request on May 25, 2004.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's April 14, 2004 decision (reference 03) is affirmed. The claimant's request to withdraw her appeal is approved. This means the claimant's request to have her claim redetermined to a business closing is denied, but the claimant remains qualified to receive unemployment insurance benefits as of November 23, 2003, provided she meets all other eligibility requirements.

dlw/kjf