

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HERMINIA E ESPINOZA
Claimant

APPEAL NO: 13A-UI-13751-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 08/11/13

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 December 11, 2013 (reference 03). A hearing was scheduled for January 9, 2014. Prior to the hearing being held, the appellant requested the appeal be withdrawn.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 Herminia E. Espinoza (claimant), the appealing party, to withdraw the appeal. The claimant understands that the decision was not a disqualification decision, but merely a notice that since her period of unemployment between assignments from Advance Services, Inc. (employer) has exceeded four weeks that she is no longer considered "temporarily unemployed" and therefore required to perform a weekly work search of at least two job contacts and report those contacts on her weekly continued claims, until such time as she secures other employment or is placed on a new assignment with the employer.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 December 11, 2013 (reference 03) 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 entitled to receive unemployment insurance benefits, provided she is otherwise eligible, but she is presently required to perform a weekly work search.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs