

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEY JACOBS

Claimant

KOCH & SMITH INSURANCE LLC

Employer

APPEAL NO. 13A-UI-02491-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/13/13

Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 25, 2013, reference 01, decision that held that the claimant was not eligible for business closing benefits. A telephone hearing was scheduled for March 27, 2013.

ISSUE:

Whether the appellant should be permitted to withdraw her appeal.

FINDINGS OF FACT:

The administrative law judge, having reviewed the record, makes the following findings of fact:

At the beginning of the hearing on March 27, 2013, the administrative law judge discussed the appeal with the claimant. The claimant appealed because she thought the representative's decision made her ineligible for any unemployment insurance benefits. The administrative law judge explained to the claimant that she was eligible for regular unemployment insurance benefits and that her employer did not contest her receipt of benefits. Business closing benefits were thoroughly explained to the claimant. She stated that she had been downsized but that the business had not actually closed. The administrative law judge told her that she would not be eligible for business closing benefits but that she was eligible for regular unemployment insurance benefits. Once this explanation was provided the claimant agreed to withdraw her 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case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 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 Agency representative's decision dated February 25, 2013, reference 01, shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/tll