

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACKIE R WATTERS
Claimant

APPEAL NO: 09A-UI-10581-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRINITY REGIONAL MEDICAL CENTER
Employer

OC: 06/07/09
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Trinity Regional Medical Center (employer) appealed a representative's July 22, 2009 decision (reference 01) that concluded Jackie R. Watters (claimant) was qualified to receive benefits if she met all other eligibility requirements, and the employer's account was subject to charge because the claimant was working part-time. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 10, 2009. The claimant appeared for the hearing. Ted Vaughn and Roseann Murray appeared on the employer's behalf. Since the claimant had not filed any weekly claims, she would have to reopen her claim before she could receive any benefits, and the employer would be notified if she reopened her claim, the employer withdrew its appeal because a decision would not, at this time, have any legal consequence. Based on 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 employer withdrew its appeal from the representative's July 22, 2009 decision. The employer's withdrawal request was tape-recorded. The employer withdrew its appeal because the claimant has not filed any weekly claims, she would have to reopen her claim before she received any future benefits, and the employer would be notified if the claimant reopened her claim and could protest the claimant's receipt of benefits at that time.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's July 22, 2009 decision (reference 01) is affirmed, but has no legal consequence because the claimant has not filed any weekly claims. The employer's withdrawal request is approved. Before the claimant can receive any future benefits, she must reopen her claim. If the claimant reopens her claim, the employer will be advised of this by receiving a notice of claim that the employer can protest.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs