

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHEILA PLOEGER**  
Claimant

**APPEAL NO: 11A-UI-07785-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SOUTHEAST POLK COMMUNITY SCH DIST**  
Employer

**OC: 04-17-11**  
**Claimant: Appellant (6R)**

Section 96-4.3 – Able and Available – Same Hours and Wages  
871 IAC 26.8(1) – Withdrawal of Appeal  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated May 17, 2011, reference 01. A hearing was scheduled for July 11, 2011. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

**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The issue is whether the appeal should be withdrawn.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 and has been recorded.

The claimant has since separated from this employer. The issue of the claimant's separation from employment with the Southeast Community School District is remanded to the Claims Section for an initial determination and adjudication.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

claimant's separation from this employer is remanded to the Claims Section for an initial determination and adjudication.

**DECISION:**

The decision of the representative dated May 17, 2011, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative denying benefits shall stand and remain in full force and effect. The issue of the claimant's separation from this employer is remanded to the Claims Section for an initial determination and adjudication.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css