

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MISTY L BASALDUA
Claimant

APPEAL NO: 10A-UI-10773-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPHERION STAFFING LLC
Employer

OC: 05/16/10
Claimant: Appellant (6/R)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's July 27 decision that addressed her employment separation. The Appeals Section also set up a hearing on a June 24, 2010 decision (reference 01) that held the claimant ineligible to receive benefits May 16 through June 12, 2010. The claimant did not appeal the June 24 decision and had no intentions of appealing the June 24 decision. On September 16 when a hearing was scheduled, the claimant verified she had not appealed the June 24 decision and understood she would be held overpaid for benefits she received from May 16 through June 12, 2010. The claimant requested that the hearing for the June 24 decision be dismissed. Based on the claimant's withdrawal or dismissal 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 did not appeal a representative's June 24, 2010, and requested that this appeal be dismissed. The claimant's September 16 withdrawal or dismissal request was tape-recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 or dismiss an appeal scheduled for a June 24 decision is approved.

DECISION:

The representative's June 24, 2010 decision (reference 01) is affirmed. The claimant's dismissal or withdrawal request is approved. The claimant remains ineligible to receive benefits from May 16 through June 12, 2010. An issue of overpayment for benefits the claimant received from May 16 through June 12, 2010, is Remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs