

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA M GERELS
Claimant

APPEAL NO. 11A-UI-11025-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEST LIBERTY FOODS
Employer

**OC: 07/03/11
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

A hearing was scheduled for September 16, 2011, for a representative's decision dated July 28, 2011, reference 02. Prior to the hearing being held, the appellant notified the Appeals Section the hearing was set up for the wrong decision.

ISSUE:

The issue is whether the appeal should be dismissed.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: The claimant filed an appeal from a decision dated August 11, 2011, reference 03. The hearing in the present case was, due to an error by the agency, set up to adjudicate the wrong decision with the wrong parties.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 hearing in this case be dismissed due to the agency erroneously setting up the hearing for the incorrect decision.

DECISION:

The hearing in this case is dismissed, as it was set up to adjudicate a decision the appellant did not intend to appeal.

Another appeal hearing will be scheduled for the correct decision.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw