

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENISE M LAPOLE
Claimant

APPEAL NO. 09A-UI-01158-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AMERICAN ENTERPRISE
SERVICES COMPANY**
Employer

**OC: 11/09/08 R: 02
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated January 23, 2009, reference 05. A hearing was scheduled for February 9, 2009. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and was 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 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 unemployment insurance decision dated January 23, 2009, reference 05, is affirmed. The decision that the claimant was overpaid benefits due to receiving severance pay remains in effect.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw