

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT A LONG
Claimant

APPEAL NO. 10A-UI-14334-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

BINNS, STEVENS,
Employer

OC: 09/10/10
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal
Section 96.5-2-a – Misconduct

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 18, 2010, reference 01, decision that held the claimant was not eligible for unemployment insurance benefits. A telephone hearing was scheduled for November 29, 2010. Prior to the hearing being held, the claimant requested that the appeal be withdrawn.

ISSUE:

Whether the appellant should be permitted to withdraw his appeal.

FINDINGS OF FACT:

The administrative law judge, having reviewed the record, makes the following findings of fact: On November 16, 2010, the claimant made an oral request to withdraw his appeal filed on October 19, 2010. The claimant's request was recorded by digital audiotape.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal is approved. The Agency representative's decision dated October 18, 2010, reference 01, shall stand and remain in full force and effect.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw