

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANA L WELLS
Claimant

APPEAL NO. 08A-UI-00665-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BELMOND MEDICAL CENTER
Employer

OC: 12/16/07 R: 02
Claimant: Appellant (6)

Section 96.5(7) – Vacation Pay
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Diana Wells filed a timely appeal from the January 15, 2008, reference 04, decision that denied benefits for the two-week period that ended December 29, 2007, based on vacation pay. A hearing was scheduled for February 5, 2008 at 1:00 p.m. Prior to the hearing being held, the appellant requested the appeal be withdrawn.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 has been submitted by means of a recorded telephone call on January 25, 2008.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Agency representative's January 15, 2008, reference 04, decision is affirmed. The claimant is not eligible for benefits for the two-week period that ended December 29, 2007, because of vacation pay that was applicable to those two weeks. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw