

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORI PARRISH
Claimant

APPEAL NO: 09A-UI-04567-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF URBANDALE
Employer

OC: 02/22/09
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

City of Urbandale (employer) appealed a representative's March 17, 2009 decision (reference 01) that concluded Lori Parish (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been dismissed for non disqualifying reasons. A hearing was scheduled on April 17, 2009. Prior to the hearing, the administrative law judge contacted the employer to clarify the reasons for the employer's appeal. During this discussion, the employer withdrew its appeal. Based on the employer's withdrawal 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 employer appealed the representative's March 17, 2009 decision because the decision stated the claimant's employment separation occurred on February 10, 2009, when it actually occurred on February 27, 2009. When the employer attempted to get the Department to correct the date of the claimant's separation, a representative told the employer it had to appeal to correct the separation date. The employer did not object to the claimant's receipt of benefits because her position had been eliminated. Since the date of the employment separation had no legal effect on the claimant's receipt of benefits, the employer withdrew its appeal from the representative's March 17, 2009 decision. The employer's withdrawal 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved. The last day the claimant worked for the employer was February 27 and not February 10, 2009.

DECISION:

The representative's March 17, 2009 decision (reference 01) is affirmed. The date of the claimant's employment separation is however corrected to February 27, 2009. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs