

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**CHERYL CURRY
1511 AGENCY ST
BURLINGTON IA 52601-2810**

**MANPOWER INC OF CDR RPDS
1220 INDUSTRIAL AVE
HIAWATHA IA 52233-1155**

**Appeal Number: 06A-UI-03759-DWT
OC: 02/26/06 R: 04
Claimant: Appellant (6)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Cheryl Curry (claimant) appealed a representative's March 15, 2006 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Manpower Inc. of Cedar Rapids (employer) would not be charged because the claimant had been discharged for disqualifying reasons. A hearing was scheduled on April 24, 2006.

The claimant was called for the hearing, but she was not available. Later the administrative law judge learned the claimant contacted the Department a week before indicating she no longer wanted a hearing. Debra Chamberlain appeared on the employer's behalf and presented testimony during the scheduled hearing. The claimant returned the administrative law judge's message and contacted the Appeals Section at 2:40 p.m. The claimant then informed the administrative law judge she wanted to withdraw her appeal. Since a decision had not been

made, the claimant's withdrawal request was accepted. 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 claimant withdrew her appeal from a representative's March 15, 2006 decision on April 24, 2006. The claimant'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 claimant's request to withdraw her appeal is approved.

DECISION:

The representative's March 15, 2006 decision (reference 01) is affirmed. The claimant's withdrawal request is approved. The claimant remains disqualified from receiving unemployment insurance benefits as of February 26, 2006. This disqualification continues until the claimant has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/kkf