

IOWA DEPARTMENT OF INSPECTIONS AND
APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 17IWDUI086
OC: 06/26/16
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 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.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

DEREK R. STOCKERO
150 OUTLOOK DRIVE SW
CEDAR RAPIDS, IA 52404-4119

STATE CLEARLY

IOWA WORKFORCE DEVELOPMENT
REEMP. SERVICES COORDINATOR
RONEE SLAGLE
ANN LEFLORE

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 is 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 the department. 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.

MILA BAIER, IWD
JONI BENSON, IWD

(Administrative Law Judge)

September 22, 2016

(Decision Dated & Mailed)

871—Iowa Administrative Code 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE

The Appellant, Derek R. Stockero, filed an appeal from a decision issued by Iowa Workforce Development (the Department) dated August 15, 2016, reference 03. In this decision, the Department determined that Mr. Stockero was ineligible to receive unemployment insurance benefits effective August 7, 2016 because he failed to participate in a reemployment and eligibility assessment.

The case was transmitted from Workforce Development to the Department of Inspections and Appeals to schedule a contested case hearing. A Notice of Hearing was issued to all parties scheduling a hearing date of September 28, 2016. Prior to the hearing date, Mila Baier of the Department provided notice that Mr. Stockero's claim is in clear status, his benefits have been unlocked, and all weeks are current. The Department issued a new decision on September 21,

2016, favorable to the Appellant. Therefore, the Department requests a dismissal of this appeal on behalf of Mr. Stockero.

The Department's regulations permit an appeal to 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. 871—Iowa Administrative Code 26.8(1). Because Mr. Stockero did not suffer any loss of benefits, he is deemed to have withdrawn his appeal.

DECISION

The Appellant's request to withdraw the appeal is approved and the appeal is deemed withdrawn. **The hearing scheduled for September 28, 2016 is cancelled.**

cjg

Reopening of hearing:

This decision may be vacated upon the presiding officer's own motion or at the request of a party within 15 days after the mailing date of the decision and in the absence of an appeal to the employment appeal board of the department of inspections and appeals. If a decision is vacated, notice shall be given to all parties of a new hearing to be held and decided by another presiding officer. Once a decision has become final as provided by statute, the presiding officer has no jurisdiction to reopen the record or vacate the decision.

871—Iowa Administrative Code 26.8(3)