

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DUSTY D NYONEE**

Claimant

**APPEAL NO: 08A-UI-01025-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**

Employer

**OC: 12/23/07 R: 02  
Claimant: Respondent (6)**

Section 96.5-1-j – Temporary Employment  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated January 18, 2008 (reference 02). A hearing was scheduled for February 13, 2008. Prior to the hearing being held, the appellant requested the appeal be withdrawn. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

A request has been made by Remedy Intelligent Staffing, Inc., (employer) the appealing party, to withdraw the appeal. The reason for the request is that the employer has been notified that the claimant, Dusty D. Nyonee, has cancelled his Iowa claim for unemployment insurance benefits as he now has an active claim for unemployment insurance benefits in the state of Indiana. As a result, the Iowa representative's decision has become moot.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The decision of the representative dated January 18, 2008 (reference 02) is affirmed. The request of the appealing party to withdraw the appeal is approved, as the decision of the representative is moot. The claimant eligibility for unemployment insurance benefits is not subject to Iowa jurisdiction, but rather is determinable by Indiana.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs