

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES M HUBER
Claimant

APPEAL NO. 10A-UI-03540-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/14/10
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's February 26, 2010 decision (reference 01) that concluded he was eligible to receive benefits as of February 14, 2010, as long as he met all other eligibility requirements. On March 8, 2010, the claimant withdrew his appeal. The claimant had appealed when he had not yet received benefits for the week ending February 20, 2010. The claimant withdrew his appeal after he received benefits for this week. The issue the claimant appealed was resolved without a hearing.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The claimant withdrew his appeal from a representative's February 26, 2010 decision because the decision was favorable to him and the issue he appealed was resolved to his satisfaction. The claimant withdrew his appeal on March 8, 2010.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's February 26, 2010 decision (reference 01) is affirmed. The claimant's withdrawal request is approved. The claimant remains eligible to receive benefits as of February 14, 2010, as long as he meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw