

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS A BREESE
Claimant

APPEAL NO: 09A-UI-14715-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LOWRY ELECTRIC INC
Employer

OC: 03/08/09
Claimant: Appellant (6)

871 IAC 26.8 (1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The Appeals Section mistakenly took Thomas A Breese's (claimant) October 1, 2009 letter questioning the amount of an overpayment that is addressed in the decision for appeal 09A-UI-14714-DWT, as an appeal from a representative's April 15, 2009 decision (reference 01) that disqualified from receiving benefits as of March 8, 2009. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 29, 2009. The claimant participated in the hearing. Dennis Lowry appeared on the employer's behalf.

At the beginning of the hearing, the claimant clarified his position and explained that he had not appealed the April 15 decision and had no desire to pursue an appeal from that decision. Based on the claimant's request to withdraw this appeal 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 an appeal that was set up or based on a representative's April 15, 2009 decision. The claimant's October 29 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 an appeal from an April 15, 2009 decision is approved.

DECISION:

The representative's April 15, 2009 decision (reference 01) is affirmed. The claimant's withdrawal request is approved. The claimant remains disqualified from receiving unemployment insurance benefits as of March 8, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs