

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EVA J KELLY**  
Claimant

**APPEAL NO. 12A-UI-10172-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPURGEON MANOR INC**  
Employer

**OC: 05/27/12**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant, Eva Kelly, filed an appeal and a hearing was scheduled regarding a decision dated June 22, 2012, reference 02. After due notice was issued a hearing was scheduled to be held by telephone conference call on September 17, 2012.

**ISSUE:**

The issue is whether the appeal should be withdrawn.

**FINDINGS OF FACT:**

The claimant notified the Appeals Section the hearing had been set up regarding the wrong fact-finding decision.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved and a new hearing scheduled for the correct decision.

**DECISION:**

The decision of the representative dated June 22, 2012, reference 02, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs