

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARMEN L RIEGER
Claimant

APPEAL NO. 12A-UI-03131-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VANGENT INC
Employer

OC: 01/29/12
Claimant: Appellant (6)

Section 96.4(3) – Able & Available
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Carmen Rieger filed a timely appeal from the March 22, 2012, reference 01, decision that denied benefits effective January 29, 2012, based on an agency conclusion that she was not able to perform work due to illness. A hearing was scheduled for April 25, 2012. Ms. Rieger was available for the hearing. Debra Daugherty was available on behalf of the employer. Prior to the presentation of evidence, Ms. Rieger requested to withdraw appeal.

ISSUE:

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

FINDINGS OF FACT:

Ms. Rieger established a claim for unemployment insurance benefits that was effective January 29, 2012. On March 22, 2012, a Workforce Development representative entered the reference 01 decision that denied benefits *effective January 29, 2012*, based on an agency conclusion that Ms. Rieger was not able to perform work due to illness. On March 27, 2012, Ms. Rieger filed an appeal from the decision and the Appeals Section set the matter for an appeal hearing. On March 29, 2012, a Workforce Development representative entered a reference 03 decision that allowed benefits *effective March 25, 2012*, based on an agency conclusion that Ms. Rieger had become able and available for work.

In light of the March 29, 2012, reference 03 decision that allowed benefits effective March 25, 2012, and after brief discussion at start of the appeal hearing on April 25, 2012, Ms. Rieger requested to withdraw her appeal from the March 22, 2012, reference 01 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The Agency representative's March 22, 2012, reference 01, decision that denied benefits effective January 29, 2012, based on an agency conclusion that the claimant was not able to perform work due to illness shall remain in effect with regard to the period of January 29, 2012 through March 24, 2012.

Claimant's withdrawal of her appeal in this matter shall have no impact on the March 29, 2012, reference 03 decision that allowed benefits effective March 25, 2012, provided the claimant was otherwise eligible, based on the agency finding that the claimant was able and available for work effective March 25, 2012.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw