

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA M SMITH
Claimant

APPEAL NO. 17A-UI-00199-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IA ASSOC OF ELECTRIC CO-OPS
Employer

OC: 12/11/16
Claimant: Respondent (6)

Iowa Code section 96.4(3) – Able & Available, Partially Unemployed
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the December 29, 2016, reference 01, decision that allowed benefits to the claimant effective December 11, 2016, based on an agency conclusion that she was able to work, available for work, but partially unemployed . A hearing was scheduled for January 27, 2017. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for January 27, 2017. On January 20, 2017, the employer mailed a request to withdraw the appeal to the Appeals Bureau. The Appeals Bureau received the request on January 23, 2017 and forwarded the request to the administrative law judge on January 24, 2017. The request to withdraw the appeal was received before any decision had been entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes that the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. That decision that allowed benefits effective December 11, 2016, based on an agency conclusion that the claimant was able to work, available for work, but partially unemployed, remains in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs