

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TOBY L SHORT**  
Claimant

**APPEAL NO: 12A-UI-08443-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEMRICH ELECTRIC & TELEPHONE INC**  
Employer

**OC: 06/10/12**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's July 10, 2012 determination (reference 01) that held the claimant qualified to receive benefits because his employment ended for nondisqualifying reasons. A hearing was scheduled on July 31, 2012. After the wages the employer incorrectly reported for the claimant were deleted from the claimant's base period, the employer withdrew its appeal. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

The employer withdrew the appeal from a representative's July 10, 2012 determination (reference 01). The Department issued a determination (reference 04) that deleted the wages the employer had incorrectly reported for the claimant. After reference 04 was issued, the employer withdrew its appeal in this matter by mailing a withdrawal letter on July 24, 2012.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw the appeal from reference 01 is approved.

**DECISION:**

The representative's July 10, 2012 determination (reference 01) is affirmed. The employer's withdrawal request is approved. Even though the employment separation did not disqualify the claimant from receiving benefits, he is not monetarily eligible to receive benefits based on a representative's reference 04 determination.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs