

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BENJAMIN BRECHT**  
Claimant

**ZINSER GRADING & EXCAVATING LLC**  
Employer

**APPEAL 17A-UI-00809-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/01/17  
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 13, 2017, (reference 01) unemployment insurance decision that found he was eligible for benefits. A telephone hearing was scheduled for February 13, 2017 at 11:00 a.m. At the time of the scheduled hearing, the appellant requested the appeal be withdrawn.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The claimant noted that he accidentally identified himself as the employer when filling out his request for appeal, but confirmed that he, not the employer, was the appellant. Claimant further explained that he had been confused by the fact-finding decision and did not realize it was favorable to him. Once the claimant learned the fact-finding decision was favorable to him, he requested to withdrawal his appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated January 13, (reference 01) is approved. That decision shall stand and remain in full force and effect.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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