

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANN E DAY**  
Claimant

**APPEAL NO. 11A-UI-11667-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO REAL ESTATE TAX SVC**  
Employer

**OC: 07/31/11**  
**Claimant: Appellant (6)**

Iowa Code Section 96.5(1) – Voluntary Quit  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Ann Day filed an appeal from the August 29, 2011, reference 01, decision that denied benefits. A hearing was scheduled for September 28, 2011. Prior to entry of the decision, the claimant/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

Ann Day is the appealing party. A hearing was set for September 28, 2011 at 10:00 a.m. and the parties were provided appropriate notice. At the appointed time, the administrative law judge got Ms. Day, employer representative Kelly Landolfi, and employer witness Josh Baade on the telephone for a conference call hearing. As soon as Mr. Baade joined the conference call, Ms. Day became disconnected from the call. The administrative law judge made two attempts to reach Ms. Day before going forward with the hearing. Mr. Baade provided testimony and Exhibit One was received. At 10:17 a.m. the hearing record closed. At 10:31 a.m., the Appeals Section staff transferred a call from Ms. Day to the administrative law judge, along with a message that Ms. Day was calling to withdraw her appeal. The administrative law judge took Ms. Day's call. Ms. Day indicated that she had a lead on new employment and wanted to "withdraw the claim." Ms. Day indicated that she had attempted to rejoin the hearing. The administrative law judge indicated that, based on that assertion, there would be good cause to reopen the record to receive evidence from Ms. Day. Ms. Day again asserted that she wanted to "withdraw the claim." The request came prior to entry of a decision on the appeal. The call from Ms. Day was recorded.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 August 29, 2011, reference 01, decision that denied benefits shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css