

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MAURIZIO V MESITI
Claimant

APPEAL NO: 06A-UI-10126-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF IOWA CITY
Employer

OC: 09/17/06 R: 03
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated October 13, 2006 (reference 01). A hearing was scheduled for November 2, 2006. At the scheduled time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made on behalf of Maurizio V. Mesiti (claimant), the appealing party, to withdraw the appeal. The reason for the request is that the claimant with the assistance of legal counsel has reached a settlement with the employer under which he is sufficiently satisfied as to his future employment status and is content to leave the disqualification in the representative's decision in place.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated October 13, 2006 (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Unemployment insurance benefits are denied until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is then otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs