

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

SANDRA G ECKLEY  
234 S ADELLA  
OTTUMWA IA 52501

PLEASANT PARK ESTATES INC  
C/o CLARICE WRIGHT  
2089 – 270<sup>TH</sup> ST  
OSKALOOSA IA 52577

Appeal Number: 06A-UI-01364-DWT  
OC: 05/01/05 R: 03  
Claimant: Respondent (6/R)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Clarice Wright, the owner of Pleasant Park Estates, Inc. (employer) appealed a representative's January 24, 2006 decision (reference 02) that concluded Sandra G. Eckley (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's January 4, 2006 employment separation was for nondisqualifying reasons, but was sent to the wrong employer. The claimant and Wright were present at the hearing. Both parties agreed the employer was not the claimant's most recent employer. The employer made a request to withdraw its appeal in this matter. 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 claimant worked for the employer until October 23, 2005. As of October 24, 2005, the claimant began working for Crystal Properties, Inc. The employer did not sell its business to Crystal Properties, Inc, and the two employers have separate employer accounts for unemployment insurance purposes.

In early January 2006, Wright asked the Department to change her mailing address for Pleasant Park Estates, Inc. business-related matters to her home address. Wright only expected decisions that related to her business to be sent to her. Instead, the Department sent all paperwork to her even though it related to Crystal Properties, Inc. and not Wright's business.

The employer has no problems with the claimant's receipt of unemployment insurance benefits. On March 6, 2006, Wright withdrew her appeal from a representative's January 24, 2006 decision. The employer's withdrawal was tape-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 employer's request to withdraw its appeal is approved.

DECISION:

The representative's January 24, 2006 decision (reference 02) is affirmed as it relates to this employer (Wright). The employer's withdrawal request is approved. Since the employer is not the claimant's most recent employer, this matter is remanded to the Claims Section to send Crystal Properties, Inc. a decision as to whether the claimant's employment separation on January 4, 2006, was for disqualifying or nondisqualifying reasons. The claimant remains qualified to receive unemployment insurance benefits as of January 1, 2006, provided she meets all other eligibility requirements. The employer's account will not be charged during the claimant's current benefits year.

dlw/kjw