

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN L TRACY
Claimant

APPEAL NO: 12A-UI-03419-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PALMER CONSULTING
Employer

**OC: 11/28/10
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's March 30, 2012 determination (reference 02) that held the claimant eligible to receive benefits as of November 20, 2011, because she was on a short-term layoff. The claimant did not respond to the hearing notice or participate in the hearing. Laurie Wellendorf appeared on the employer's behalf. The employer withdrew after learning the claimant had only filed a claim for the week ending November 26, 2011, and if she established a new claim for benefits, the employer would receive a notice of claim to protest charges against its account at that time. Based on 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.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

At the hearing, the employer withdrew its appeal from a representative's March 30, 2012, determination. The employer does not dispute that the claimant was on a short-term layoff the week she filed a claim for benefits. The employer understood the employer's account would not be charged for benefits she received for the week ending November 26, 2011, because the employer was not a base period employer. Also, if at a future date the claimant reopened her claim or established a new benefit year, the employer would receive a notice of claim and could protest the claimant's receipt of benefits or any charges to its account. The employer's withdrawal request 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case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 March 30, 2012 determination (referenced 02) is affirmed. The employer's request to withdraw its appeal from the determination that held claimant eligible to receive benefits for the week ending November 26, 2011, when she was on a short-term layoff, is approved. If the claimant reopens her claim or establishes a new benefit year, the employer shall receive a notice of claim to protest any charges against its account.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw