

IOWA DEPARTMENT OF INSPECTIONS AND
APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

DECISION OF THE ADMINISTRATIVE LAW JUDGE

KEELY L. OHARA
3615 COTTAGE GROVE
DES MOINES, IA 50311

IOWA WORKFORCE DEVELOPMENT
RE-EMPLOYMENT SERVICES
SHANLYN SEIVERT

JOE WALSH, IWD
DONNELL ANDERSON, IWD

Appeal Number: 12IWDUI592
OC: 06/17/12
Claimant: Appellant (6)

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 Notice of Appeal, directly to the ***Employment Appeal Board, 4TH 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 the department. 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.

(Administrative Law Judge)

December 28, 2012

(Decision Dated & Mailed)

871—Iowa Administrative Code 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE

Claimant/Appellant Keely L. Ohara filed an appeal from a decision issued by Iowa Workforce Development (“IWD”) dated September 26, 2012, reference 02. In the decision IWD disqualified Ms. Ohara from receiving unemployment insurance benefits as of September 23, 2012, due to Ms. Ohara’s failure to report for a reemployment and eligibility assessment.

The case was transmitted from IWD to the Department of Inspections and Appeals on October 30, 2012 to schedule a contested case hearing. Notice of telephone hearing was sent to IWD and to Ms. Ohara on November 7, 2012, setting a contested case hearing for December 26, 2012 at 2:00 p.m.

By notice dated October 26, 2012, IWD stated, “Claimant requested appeal be cancelled since claim was unlocked when she provide work searches required for [reemployment and eligibility

assessment].” With nothing more submitted and no other indication that this was the desire of Ms. Ohara, the undersigned proceeded with the telephone hearing on December 26. Neither party participated.

IWD’s regulations permit an appeal to 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. 871—Iowa Administrative Code 26.8(1).

DECISION

By her nonappearance at the contested case hearing, it appears that the Appellant had indeed requested to withdraw her appeal. That request is approved, and the appeal is deemed withdrawn.

cjg