

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JIM A HOOVER
Claimant

APPEAL NO: 07A-UI-03002-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 10/22/06 R: 04
Claimant: Respondent (6/R)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

On March 20, 2007, Sedona Staffing (employer) sent a letter to the Appeals Section inquiring about the employer's protest or information the employer provided to the Department on February 5, 2007 concerning an offer of work the employer made to Jim A. Hoover (claimant) on January 24, 2007, that he had declined. The Appeals Section did not forward this inquiry to the Claims Section. Instead an appeal was scheduled based on a representative's November 20, 2006 (reference 01) decision that concluded the claimant's October 17, 2006 employment separation was for nondisqualifying reasons. On April 2, 2007, the employer contacted the Appeals Section. The employer explained that the employer never intended to appeal the November 20, 2006 decision, but only wanted the refusal of suitable offer of work investigated by the Claims Section. The employer requested that the appeal scheduled for the separation issue be withdraw. 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 employer withdrew the appeal that was scheduled for a representative's November 20, 2006 decision (reference 01.) The employer's April 2, 2007 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 the appeal scheduled for the representative's November 20, 2006 (reference 01) decision is approved.

The issue of whether the claimant refused an offer of suitable work on January 24, 2007, is remanded to the Claims Section to investigate and issue a decision to the parties.

DECISION:

The representative's November 20, 2006 decision (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of October 17, 2006, provided he meets all other eligibility requirements. The employer's account may be charged. The issue of whether the claimant refused an offer of suitable work with or without good cause on January 24, 2007, is remanded to the Claims Section to investigate and issue a written decision.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs