

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SENADA ODOBASIC
Claimant

APPEAL NO: 13A-UI-07444-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WATERLOO COMMUNITY SCHOOL DIST
Employer

OC: 06/09/13
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 21, 2013, reference 01, that held she was ineligible for benefits because of reasonable assurance of work with the employer for the next academic term. A telephone hearing was scheduled for July 31, 2013. Prior to the hearing, the claimant withdrew her appeal. Official Notice was taken of the Employer Exhibit One.

ISSUE:

Whether claimant's appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record finds: The claimant was assisted by her daughter to understand the reason for the appeal hearing. After she was told it was about her unemployment claim and whether she would work for the employer in the next school term, she said she didn't want the hearing.

The employer offered a document letter that showed claimant was offered continuing employment for the 2013/2014 school term.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-5-b provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

5. Benefits based on service in employment in a nonprofit organization or government entity, defined in section 96.19, subsection 18, are payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the same basis of other service subject to this chapter, except that:

b. Benefits based on service in any other capacity for an educational institution including service in or provided to or on behalf of an educational institution while in the employ of an educational service agency, a government entity, or a nonprofit organization, shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or terms, if the individual performs the services in the first of such academic years or terms and has reasonable assurance that the individual will perform services for the second of such academic years or terms. If benefits are denied to an individual for any week as a result of this paragraph and the individual is not offered an opportunity to perform the services for an educational institution for the second of such academic years or terms, the individual is entitled to retroactive payments of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph.

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 administrative law judge concludes claimant's request to withdraw her appeal is approved. The claimant had interpreter assistance from her daughter who explained the hearing was about whether she had reasonable assurance of employment in the next school year. The employer offered a document that she had. The claimant understood the issue and did not want a hearing.

DECISION:

The department decision dated June 21, 2013, reference 01, is affirmed. The claimant is not eligible for benefits effective May 19, 2013 due to reasonable assurance.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs