

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RIAN M GREENLEE
Claimant

APPEAL NO. 08A-UI-09080-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 07/27/08 R: 03
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal or Dismissal of Appeal

STATEMENT OF THE CASE:

Rian M. Greenlee (claimant) appealed a representative's September 29 overpayment decision (reference 02). When the Appeals Section received the claimant's appeal, the Appeals Section incorrectly assumed the claimant also appealed a representative's September 25, 2008 decision (reference 01). Hearings were scheduled for both decisions. Hearing notices were mailed to the parties' last-known addresses of record. A telephone hearing was held on October 22, 2008. Before the hearing began, the claimant told the administrative law judge and the employer's representative from Unemployment Insurance Services, Tim Speir, that he had not and had no intention of appealing the employment separation issue which was the representative's September 25, 2008 decision (reference 01). Based on the claimant's clarification of the decision he appealed, 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 did not intend to appeal a representative's September 25, 2008 decision (reference 01) that disqualified him from receiving benefits because he had been discharged for disqualifying reasons. Before the hearing began on October 22, 2008, the claimant asked that this appeal be dismissed because he did not appeal this decision and had no intention to appeal this decision. The claimant's statements were tape-recorded on October 22, 2008.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw or dismiss the appeal that was incorrectly scheduled for a representative's September 25, 2008 decision (reference 01) by the Appeals Section is approved.

DECISION:

The representative's September 25, 2008 decision (reference 01) is affirmed. The claimant's request to dismiss this appeal is approved because he had no intention of appealing this decision. The claimant remains disqualified from receiving unemployment insurance benefits as of July 27, 2008. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css