

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERRY A CLAGG

Claimant

APPEAL NO: 06A-UI-10803-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC

SEDONA STAFFING

Employer

**OC: 09/10/06 R: 04
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated October 31, 2006 (reference 08) regarding a potential October 10, 2006 work refusal. A hearing was scheduled for November 27, 2006. At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made by L A Leasing, Inc., Sedona Staffing (employer), the appealing party, to withdraw the appeal. The request has been made because the employer has learned that the claimant has already been disqualified pending a ten times requalification on three prior work refusals on September 11, September 14, and September 22, 2006. These were determined in three prior representative's decisions all issued on October 13, 2006 as reference 06, reference 07, and reference 04, respectively. The due date for any appeal by the claimant was October 23, 2006; as of November 27, 2006, no appeals have been made and the disqualification pending requalification has become final. The claimant ceased making weekly claims as of the week ending October 7, 2006 and his claim is currently locked due to the prior refusal disqualification. As the claimant is already disqualified and not receiving benefits for weeks in which he could have been working, the employer has determined to withdraw its appeal regarding the additional potential October 10, 2006 refusal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated October 31, 2006 (reference 08) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The claimant would be entitled to receive unemployment insurance benefits, if he was otherwise eligible, but he is not due to the prior work refusal determinations.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs