

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

PATRICIA L NEWBERRY
2030 AVE D
COUNCIL BLUFFS IA 51501

TRANSWOOD INC
BOX 189
OMAHA NE 68101

Appeal Number: 05A-UI-08285-DWT
OC: 07/10/05 R: 01
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 written 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 are 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 Workforce Development. 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)

(Decision Dated & Mailed)

871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Patricia L. Newberry (claimant) appealed a representative's August 15, 2005 decision (reference 02) that concluded she was not eligible to receive benefits for the week ending July 16, 2005, because she received or vacation pay was attributed to this week. A hearing was scheduled on August 29, 2005. At the beginning of the hearing, the claimant withdrew her appeal. Based on the claimant'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 claimant made a request to withdraw her appeal at the beginning of the August 29, 2005. The claimant had not understood the decision and had not intended to appeal the August 15, 2005 decision. The claimant's 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 claimant's request to withdraw her appeal is approved.

DECISION:

The representative's August 15, 2005 decision (reference 02) is affirmed. The claimant's request to withdraw her appeal is approved. The claimant is not eligible to receive benefits for the week ending July 16, 2005, based on vacation pay that was attributed to this week.

dlw/kjw