

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUSTIN J MARC
Claimant

APPEAL NO. 10A-UI-10960-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HERBST CONSTRUCTION INC
Employer

OC: 11/29/09
Claimant: Appellant (1)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 26, 2010, reference 05, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 26, 2010. Claimant prior to hearing asked to withdraw his appeal.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted by recorded telephone conference.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated July 26, 2010, reference 05, 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. Claimant is not entitled to receive unemployment insurance benefits, until eligibility requirements have been satisfied.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css