

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MAURICE R GIARD
Claimant

APPEAL NO: 09A-UI-09071-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

OC: 05/17/09
Claimant: Respondent (6)

871 IAC26.8 (1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

CRST Van Expedited, Inc. (employer) appealed a representative's June 15, 2009 decision (reference 02) that concluded Maurice R. Giard (claimant) was able to and available for work as of May 17, 2009. A hearing was scheduled on June 10, 2009. Prior to the scheduled hearing, the employer withdrew its appeal from the June 15 decision. Based on the employer'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 employer withdrew its appeal from a representative's June 15, 2009 decision that held the claimant able to and available for work as of May 17, 2009. The employer withdrew this appeal because a representative's June 26 decision held the claimant was not qualified to receive benefits as of May 17, 2009, after he voluntarily quit his employment with the employer for reasons that do not qualify him to receive benefits. The employer's withdrawal 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal from a June 15 representative's decision is approved.

DECISION:

The representative's June 15, 2009 decision (reference 02) is affirmed. The employer's withdrawal request is approved. The claimant remains able to and available for work as of May 17, 2009. Based on a June 26, 2009 decision, the claimant is not qualified to receive benefits as of May 17, 2009, because he voluntarily quit his employment for reasons that do not qualify him to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css