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

NICHOLAS GISCH
Claimant

APPEAL NO: 13A-UI-06967-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LUND MANUFACTURING CO INC
Employer

OC: 04/07/13
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Nicholas Gisch (claimant) appealed an unemployment insurance decision dated June 11, 2013, reference 02, which held that he was not eligible for unemployment insurance benefits for the one-week period ending April 13, 2013 due to the receipt of vacation pay from Lund Manufacturing Company, Inc. (employer). A hearing was scheduled for July 16, 2013. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

ISSUE:

The issue is whether the request to withdraw the appeal should be granted.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of 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 verbally and it 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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 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 unemployment insurance decision dated June 11, 2013, reference 02, remains in effect. 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.

_____
Susan D. Ackerman
Administrative Law Judge

_____
Decision Dated and Mailed

sda/pjs