

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA A VAN VLAIR
Claimant

APPEAL NO: 10A-UI-15152-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QWEST CORPORATION
Employer

OC: 08/01/01
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's October 29, 2010 determination (reference 01) that held the monthly pension she received from the employer had to be prorated to a weekly amount and deducted from her weekly unemployment benefit amount as of October 1, 2010. A hearing was scheduled on December 16, 2010. After her questions had been answered and there was no issue to resolve, the claimant withdrew her appeal at the hearing. 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 withdrew her appeal from the representative's October 29, 2010 determination. The claimant's December 16, 2010 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw her appeal is approved.

DECISION:

The representative's October 29, 2010 determination (reference 01) is affirmed. The claimant's withdrawal request is approved. The monthly pension the claimant receives from the employer must be prorated to a weekly amount and then deducted from her weekly benefit amount if the prorated amount if her weekly pension amount is less than her maximum weekly benefit amount. Since the claimant's weekly prorated pension exceeds her maximum weekly benefit amount, the claimant is not eligible to receive benefits while she receives this pension payment.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css