

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRETT N FEUERHELM

Claimant

APPEAL NO. 15A-UI-09206-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ANDERSON-ERICKSON DAIRY CO

Employer

OC: 07/12/15

Claimant: Appellant (6)

Iowa Administrative Code Section 871-24.23 (10) - Leave of Absence
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Brett Feuerhelm filed an appeal from the August 6, 2015, reference 03, decision that denied benefits effective July 12, 2015 based on an agency conclusion that he had requested and had been granted a leave of absence, was voluntarily unemployed, and was deemed not available for work. A hearing was scheduled for September 18, 2015. Prior to the hearing being held, the claimant/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

Claimant Brett Feuerhelm is the appellant in this matter. The appeal hearing is set for September 18, 2015 at 1:00 p.m. On September 17, 2015, Mr. Feuerhelm, through his legal counsel, submitted a written request to withdraw the appeal. The administrative law judge received the request on the morning of September 18, 2015. The administrative law judge spoke by telephone with claimant's counsel, Erin Lyons, who confirmed the claimant had voluntarily, and with the assistance of counsel, decided to withdraw his appeal in this matter. The request was submitted before a decision had been entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes that the appealing party's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The August 6, 2015, reference 03, decision remains in effect. That decision denied benefits effective July 12, 2015 based on an Agency conclusion that the claimant had requested and had been granted a leave of absence, was voluntarily unemployed, and was deemed not available for work.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs