

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

OLIVIA R LEVY
Claimant

APPEAL NO: 14A-UI-08639-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THOMAS L CARDELLA & ASSOCIATES
Employer

OC: 07/20/14
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's August 11, 2014 determination (reference 02) that held the claimant eligible to receive benefits because she was able to and available for work. A hearing was scheduled on September 9, 2014. The claimant did not respond to the hearing notice participate at the hearing. Barb Toney appeared on the employer's behalf. Jason Levee was present to testify at the hearing. The employer withdrew its appeal in this matter after learning the wrong issues were listed on the hearing notice and the claimant was disqualified from receiving benefits as of July 20, 2014, based on another determination, reference 01. 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 August 11, 2014 determination (reference 02). The employer withdrew this appeal on September 9 because the claimant was already disqualified from receiving benefits based on the reasons for her employment separation (reference 01). The employer's September 9, 2014 withdrawal request was 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 recorded by the presiding officer.

The employer's request to withdraw this appeal is approved.

DECISION:

The representative's August 11, 2014 determination (reference 021) is affirmed. The employer's withdrawal request is approved. This means as of July 20, 2014, the claimant established that she is able to and available for work, but she remains disqualified from receiving benefits based on the determination of reference 01.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css