IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

CREADELL L WILLIAMS
Claimant

APPEAL NO. 10O-UI-02197-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OCB RESTAURANT CO
Employer

**OC: 09/27/09
Claimant: Respondent (6)**

871 IAC 26.8(1) - Dismissal of Appeal

STATEMENT OF THE CASE:

The employer appealed from a representative's decision dated October 19, 2009, reference 01, that allowed claimant benefits. An ALJ issued a decision that reversed and disqualified the claimant on December 11. The EAB remanded the case, because there was no recording. Unemployment Appeals lists this matter as an employer appeal. The claimant and employer did not call in for the hearing.

ISSUE:

The issue is whether the appeal should be dismissed.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: This appeal should be dismissed. The employer appealed from a favorable decision, and the parties did not call in for the hearing. The ALJ December 11, 2009 decision is based on both parties participating.

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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appeal should be dismissed.

DECISION:

The appeal is dismissed. The ALJ December 11, 2009 decision that reverses the department and denies claimant benefits shall stand and remain in full force and effect. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson
Administrative Law Judge

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Decision Dated and Mailed

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