

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREGORY E MYERCHIN
Claimant

APPEAL NO. 11A-EUCU-00538-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/11/09
Claimant: Appellant (6)

Section 96.3-5-b – Training Extension Benefits
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant sent correspondent to the Appeals Bureau mistakenly docketed as an appeal from a decision dated June 3, 2011, reference 02, that granted the claimant's request for training extension benefits. The correspondence was, in fact, a question as to how the Agency computes an original claim date. After discussing that question, the claimant indicated that a hearing on the training extension benefit issue need not be held.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

This appeal should be withdrawn because the claimant's intent was clarification of another matter.

REASONING AND CONCLUSIONS OF LAW:

A rule found at 871 IAC 26.8(1) allows the administrative law judge to grant an appellant's request for the withdrawal of its appeal. A review of all matters of record persuades the administrative law judge that it is appropriate to allow the withdrawal of this appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The unemployment insurance decision dated June 3, 2011, reference 02, remains in effect. The claimant is eligible for training extension benefits as determined in the decision dated June 3, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw