

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GABRIEL GRAY**  
Claimant

**APPEAL NO: 10A-UI-17127-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/04/10  
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed a representative's December 7, 2010 decision (reference 03) that held him ineligible to receive benefits as of December 5, 2010, because he had not reported to his local Workforce office as directed. At the hearing, the claimant withdrew his appeal because the issue he appealed had been resolved in a subsequent decision (reference 04) that held him eligible to receive benefits as of December 5, 2010. 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 his appeal from a representative's December 7, 2010 decision because the issue he appealed had been resolved in a subsequent December 20 decision. The December 20 decision (reference 04) held the claimant eligible to receive benefits as of December 5 because he established his availability for work. The claimant's withdrawal request was tape-recorded on January 25, 2010.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 his appeal is approved because a representative's December 20, 2010 decision (reference 04) resolved the issue the claimant appealed by holding him eligible to receive benefits as of December 5, 2010.

**DECISION:**

The representative's December 7, 2010 decision (reference 03) has been modified by a representative's December 20, 2010 decision (reference 04) that held the claimant eligible to receive benefits as of December 5, 2010. Since the issue the claimant appealed was resolved by the December 20, 2010 decision, the claimant's withdrawal request is approved. The claimant is eligible to receive benefits as of December 5, 2010.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css