

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD GERLOFF
Claimant

APPEAL NO: 10A-UI-07894-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01-31-10
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated May 20, 2010, reference 03. A hearing was scheduled for July 10, 2010. During the course of the hearing it was discovered the claimant intended to appeal the decision regarding a failure to appear for a reemployment services class rather than the able and available issue listed on the hearing notice as the claimant agreed he was not able and available for work at this time. Consequently, the appellant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted verbally and has been 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 tape-recorded by the presiding officer.

The administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated May 20, 2010, reference 03, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative that the claimant is not able and available for work shall stand and remain in full force and effect.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs