

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRAIG D DE BERG**  
Claimant

**APPEAL NO. 11A-UI-09663-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AREA EDUCATION AGENCY 267**  
Employer

**OC: 05/29/11  
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed a representative's July 22, 2011 determination (reference 03) that held him ineligible to receive benefits between successive school years or during the summer months because he had a reasonable assurance of returning to work in the same capacity for an educational institution for the 2011-2012 school year. Prior to the hearing, the claimant made a request to withdraw his appeal in this matter. 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.

**ISSUE:**

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

**FINDINGS OF FACT:**

The claimant initially appealed because he understood he would be drawing benefits against a former bank employer, not the school. After the claimant realized his initial understanding was not correct, he withdrew his appeal. The claimant's August 16, 2011 withdrawal request was tape-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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw his appeal is approved.

**DECISION:**

The representative's July 22, 2011 determination (reference 03) is affirmed. The claimant's request to withdraw his appeal is approved. This means he remains ineligible to receive benefits between successive academic school years because he has a reasonable assurance of working for an educational institution in the same capacity as he worked the previous school year.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw