

because the decision had the incorrect date of separation, June 3, 2005. Both parties agree that the date of separation was September 1, 2005 and the claimant actually worked for the employer and was paid through August 31, 2005. The claimant was laid off for a lack of work thereafter. The claimant did not file for unemployment insurance benefits, or draw such benefits, until an effective date of September 4, 2005. The appellant employer does not contest those benefits.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 September 19, 2005, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The claimant is entitled to receive unemployment insurance benefits beginning September 1, 2005, provided eligibility requirements have been satisfied.

gkr/pjs