

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL L LUNDY
Claimant

APPEAL NO. 14A-UI-12323-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ESSEX COMMUNITY SCHOOL DISTRICT
Employer

OC: 08/10/14
Claimant: Appellant (6/R)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Michael Lundy filed a late appeal from the September 4, 2014, reference 04, decision that allowed benefits to him, provided he was otherwise eligible; but that excluded wage credits from employment with the Essex Community School District based on the between academic terms disqualification set forth at Iowa Code Section 96.4(5). A hearing was scheduled for December 17, 2014. Prior to the scheduled start of the hearing, Mr. Lundy requested that the appeal be withdrawn.

FINDINGS OF FACT:

Michael Lundy is the claimant and appellant in this matter. Essex Community School District is the employer in interest in the September 4, 2014, reference 04, decision that allowed benefits to Mr. Lundy, provided he was otherwise eligible; but that excluded wage credits from employment with the Essex Community School District based on the between academic terms disqualification set forth at Iowa Code Section 96.4(5). The appeal hearing was set for December 17, 2014 at 1:00 p.m. Prior to the hearing, Mr. Lundy requested to withdraw the appeal. Mr. Lundy made his request during an on-the-record discussion concerning Appeal Number 14A-UI-12321-JTT. Mr. Lundy made his request to withdraw the appeal in this matter before any decision had been entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The September 4, 2014, reference 04, decision shall remain effect. That decision allowed benefits to the claimant, provided he was otherwise eligible; but excluded wage credits from employment with the Essex Community School District based on the between academic terms disqualification set forth at Iowa Code Section 96.4(5).

The claimant desires adjudication of his eligibility for benefits based on wages from employers Peru State College (employer account number 100031 ?) and Bellevue University (employer account number 104489). This matter is remanded to the Benefits Bureau for appropriate further action on the claimant's request as the Benefits Bureau deems appropriate.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/can