

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KATHLEEN M PINTER**  
Claimant

**APPEAL NO: 14A-UI-03316-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COVENANT CARE MIDWEST INC  
EAGLE POINT**  
Employer

**OC: 04/14/13**

**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated March 17, 2014 (reference 05). A hearing was scheduled for April 17, 2014. At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

A request has been made by Covenant Care Midwest, Inc. / Eagle Point (employer), the appealing party, to withdraw the appeal. The reason for the request is that the appeal is moot. The representative's decision (reference 05) had concluded that the claimant was eligible to receive unemployment insurance benefits by being able and available for work "as long as you meet all the other eligibility requirements." However, there was another representative's decision also issued on March 17, 2014 (reference 04), which had concluded that the claimant was in fact not otherwise eligible because of a determination that there was a disqualifying separation from employment between the parties as of February 24, 2014. That disqualification has not been appealed and remains in full force and effect, so the claimant is not currently otherwise eligible to receive unemployment insurance benefits, rendering the conclusion that she is able and available for work to be moot.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The decision of the representative dated March 17, 2014 (reference 05) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant would be entitled to receive unemployment insurance benefits, if she was otherwise eligible. However, she is currently not otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs