

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
CINDY DOLMAGE Claimant HENDERSON & ASSOCIATES INC Employer	APPEAL NO: 07A-UI-07522-DWT ADMINISTRATIVE LAW JUDGE DECISION OC: 11/12/06 R: 01 Claimant: Respondent (6)

871 IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Henderson & Associates (employer) appealed a representative's July 30, 2007 decision (reference 02) that concluded the employer's business had gone out of business or closed and Cindy Dolmage (claimant) was eligible to have her maximum weekly benefits amount determined as a business closing as of June 10, 2007. A hearing in this matter was scheduled on August 21, 2007. The claimant was called for the hearing, but she was not available. John Henderson, the owner/president, appeared on the employer's behalf. Prior to the hearing, another representative's decision of August 15, 2007 (reference 03) was issued. The August 15 decision amended the July 30 decision, and held the employer's business had not closed so the claimant was not eligible to receive business closing benefits as of June 10, 2007. As a result of the August 15 amended decision, the employer requested that the appeal from the July 30 decision be withdrawn because the August 15, 2007 decision resolved the issues the employer had appealed. Based on the employer'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.

FINDINGS OF FACT:

As a result of the decision issued on August 15, 2007, that amended the July 30, 2007 decision by concluding the employer's business had not closed, the employer withdrew its appeal. The August 15 decision resolved all the issues the employer had initially appealed. The employer's 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

DECISION:

The representative's July 30, 2007 decision (reference 02) was amended by an August 15, 2007 decision (reference 03) that concluded the employer's business had not closed. As a result of the August 15, 2007 decision, the employer's withdrawal request is approved. Based on the August 15, 2007 decision, the claimant's maximum benefit amount cannot be based on a business closing.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs