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

CALVIN C BRYANT
Claimant

**IOWA WORKFORCE
   DEVELOPMENT DEPARTMENT**

APPEAL NO. 12A-UI-00309-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/25/11
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated January 5, 2012, reference 01, that held he was not eligible for benefits effective December 25, 2011, because he failed to earn $250.00 for wages for insured work since his prior benefit claim. A hearing was scheduled for February 7, 2012. Prior to the hearing being held, the claimant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been made orally that has been recorded. The department issued a decision on February 1, 2012 that held the claimant satisfied the earnings re-qualification requirement.

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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 January 5, 2012, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, because the department removed the disqualification by its February 1, 2012, reference 04, decision.

_____
Randy L. Stephenson
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs