

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

EVALEA L MCBRIDE  
20459 WELLS FERRY RD  
BETTENDORF IA 52722

PLEASANT VALLEY COMMUNITY  
SCHOOL DIST  
ATTN SECRETARY  
PO BOX 332  
PLEASANT VALLEY IA 52767-0332

Appeal Number: 05A-UI-08357-RT  
OC: 07-03-05 R: 04  
Claimant: Respondent (6)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-2-a – Discharge for Misconduct  
Section 96.5-1 – Voluntary Quitting  
Section 96.3-7 – Recovery of Overpayment of Benefits  
Section 96.4-5 – Benefits Based on Service for an Educational Institution  
Section 96.5-5-c – Other Compensation (Governmental or Other Pension)

STATEMENT OF THE CASE:

The employer, Pleasant Valley Community School District, filed a timely appeal from an unemployment insurance decision dated August 5, 2005, reference 01, allowing unemployment insurance benefits to the claimant, Evalea L. McBride. A hearing was scheduled for August 30, 2005 at 9:00 a.m. Prior to the hearing being held, the claimant cancelled her application or claim for unemployment insurance benefits and the hearing was not necessary and not held.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: the claimant filed for unemployment insurance benefits effective July 3, 2005. By decision dated August 5, 2005, at reference 01, a representative of Iowa Workforce Development determined that the claimant was eligible to receive unemployment insurance benefits. However, the claimant cancelled her application or claim for unemployment insurance benefits and has received no unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The question presented by this appeal is whether the employer's appeal should be dismissed. It should be dismissed.

The administrative law judge has reviewed the records and files herein and concludes, that the employer's appeal should be dismissed. The claimant has cancelled her claim and application for unemployment insurance benefits and has received no such benefits. The employer's requested relief has been granted as a result of the claimant's cancellation of her claim.

DECISION:

The appeal of the employer should be and hereby is dismissed. The claimant, Evalea L. McBride, is not entitled to receive any unemployment insurance benefits because she has cancelled her claim and application for such benefits.

dj/pjs