

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIMOTHY P THOMPSON**  
Claimant

**APPEAL NO: 14A-UI-00886-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACTUANT ELECTRICAL INC**  
Employer

**OC: 11/17/13**  
**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 January 8, 2014 (reference 03). A hearing was scheduled for February 24, 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 At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn.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 Actuant Electrical, Inc. (employer), the appealing party, to withdraw the appeal. The reason for the request is that the employer does not contest that the claimant's separation was in fact due to a business closure and that he should be eligible for benefits redetermined as due to a business closure. The employer's interest is actually in an appeal pending before the Employment Appeal Board of another administrative law judge's decision issued on December 30, 2013 under 13A-UI-13211-VST, regarding whether the claimant was required to perform an active search for work during a period of his layoff from work.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 January 8, 2014 (reference 03) 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 is entitled to receive unemployment insurance benefits redetermined as due to a business closure, provided he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs