IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

MARK D SLAYMAKER Claimant **IOWA MOBILE CONCRETE LTD** Employer	**APPEAL 17A-UI-08698-DB-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 01/01/17** **Claimant: Respondent (6)**

Iowa Code § 96.7(2)a(6) – Statement of Charges
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the employer from the statement of charges dated August 9, 2017 for the second quarter of 2017. A hearing was scheduled for September 19, 2017 at 11:00 a.m. Prior to the hearing being held, the appellant requested the appeal be withdrawn in writing and the hearing is cancelled.

ISSUE:

Should the request to withdraw the appeal be granted?

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 submitted in writing on September 7, 2017. The hearing scheduled for September 19, 2017 at 11:00 a.m. is cancelled.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.
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> An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The appellant has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the records herein and concludes that the request of the appealing party to withdraw the appeal should be approved. The hearing scheduled for September 19, 2017 at 11:00 a.m. is cancelled.

DECISION:

The statement of charges dated August 9, 2017 for the second quarter of 2017 is affirmed. The request of the appealing party to withdraw the appeal is approved, and the statement of charges shall stand and remain in full force and effect. The hearing scheduled for September 19, 2017 at 11:00 a.m. is cancelled.

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Dawn Boucher
Administrative Law Judge

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Decision Dated and Mailed

db/rvs