

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
KEVIN E CLEMEN Claimant	APPEAL NO: 09A-UI-00717-DWT
SUBWAY Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 12/21/08 R: 02 Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Subway (employer) appealed a representative's January 14, 2009 decision (reference 01) that concluded Kevin E. Clemen (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A hearing was scheduled on February 3, 2009. On January 29, 2009, the employer made a request to withdraw its appeal. 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:

The employer withdrew its appeal from a representative's January 14, 2009 decision. The employer faxed withdrawal request to the Appeals Section on January 29, 2009.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 January 14, 2009 decision (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of December 21, 2008, provided he meets all other eligibility requirements. The employer's account may be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs