

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAVETTA CRIBBS

Claimant

APPEAL NO. 12A-UI-14927-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WEST LIBERTY FOODS LLC

Employer

OC: 01/01/12

Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the December 10, 2012, reference 10, decision that allowed benefits provided the claimant was otherwise eligible and that held the employer's protest was untimely. A hearing was scheduled for January 24, 2013. The claimant did not respond to the hearing notice and did not make herself available for a hearing. At the time set for the hearing, the employer requested that the appeal be withdrawn.

FINDINGS OF FACT:

A telephonic appeal hearing was set for January 24, 2013 and the parties were properly notified by notice mailed on December 28, 2012. At the time set for the hearing, employer representative and Human Resources Specialist Alejandra Rojas, requested that the appeal be withdrawn. The request was made as part of recorded telephone call. The request was made prior to the presentation of evidence or entry of a decision on the merits of the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The Agency representative's December 10, 2012, reference 10, decision that allowed benefits provided the claimant is otherwise eligible and that held the employer's protest untimely shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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