

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RYAN P JUNKER
Claimant

FRANK MILLARD & CO INC
Employer

APPEAL 16A-UI-00280-EC-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 01/25/15
Claimant: Respondent (6)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Admin. Code r. 871-24.32(1)a – Discharge for Misconduct
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated December 31, 2015 (reference 02). A telephone hearing was scheduled on January 26, 2016, at 3:00 p.m. Before the hearing date, the appellant employer submitted a written withdrawal of this appeal.

ISSUE:

Should the request to withdraw or dismiss the appeal be granted?

FINDINGS OF FACT:

The appealing party withdrew its appeal. The withdrawal was submitted in writing via fax on January 19, 2016, by the appellant employer's representative.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 reviewed the records and files herein and concludes that the request of the appealing party to dismiss or withdraw the appeal should be approved.

DECISION:

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated December 31, 2015 (reference 02) is approved. That decision shall stand and remain in full force and effect. The hearing scheduled on January 26, 2016, at 3:00 p.m. is canceled.

Emily Gould Chafa
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
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Decision Dated and Mailed

ec/css