

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HERKISHA R BURKETT
Claimant

APPEAL NO. 07A-UI-08138-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
LABOR WORLD IA
Employer

OC: 07/15/07 R: 02
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

This matter was erroneously set for hearing in response to an appeal letter submitted by USA Staffing Inc., doing business as Labor World Iowa. This matter concerns the August 21, 2007, reference 02, decision, which was not adverse to the employer. The employer's appeal concerned the August 21, 2007, reference 01 decision that allowed benefits. A hearing was scheduled for both matters on September 11, 2007. Prior to the hearing being held, the employer requested that its appeal be withdrawn. The administrative law judge approved the withdrawal of the employer's appeal of the reference 01 decision in Appeal Number 07A-UI-08137-JTT.

FINDINGS OF FACT:

This matter was erroneously set for hearing in response to an appeal letter submitted by USA Staffing Inc., doing business as Labor World Iowa. This matter concerns the August 21, 2007, reference 02, decision, which was not adverse to the employer. The employer's appeal concerned the August 21, 2007, reference 01 decision that allowed benefits. A hearing was scheduled for both matters on September 11, 2007. Prior to the hearing being held, the employer requested that its appeal be withdrawn. The employer's request was submitted in writing via a letter from employer representative Jeff Oswald of Unemployment Insurance Services, which letter was faxed to the Appeals Section on September 11, 2007. The administrative law judge approved the withdrawal of the employer's appeal of the reference 01 decision in Appeal Number 07A-UI-08137-JTT.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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the records and files herein and concludes that there was no appeal in this matter and that the appeal should be deemed withdrawn.

DECISION:

The Agency representative's August 21, 2007, reference 02, decision is affirmed. There was in fact no appeal filed concerning the reference 02 decision. The erroneously docketed appeal is deemed withdrawn. The decision of the representative shall stand and remain in full force and effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css