

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SAMANTHA A OBERTANCE
Claimant

APPEAL 18A-UI-08881-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FALBOS FOREVER LLC
Employer

**OC: 01/07/18
Claimant: Respondent (6)**

Iowa Code § 96.6(2) – Timeliness of Employer Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from the statement of charges for the second quarter of 2018 dated August 9, 2018. A hearing was scheduled for September 10, 2018. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

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 verbally and was tape recorded at the date and time set for hearing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

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 to withdraw the appeal. The administrative law judge has reviewed the record and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The statement of charges dated August 9, 2018 regarding claimant shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing scheduled for September 10, 2018 is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs