

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELVIN J WIMBERLY
Claimant

APPEAL NO. 08A-UI-06591-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

**OC: 05/25/08 R: 02
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Swift & Company (employer) appealed a representative's July 8, 2008 decision (reference 01) that concluded Melvin J. Wimberly (claimant) was eligible to receive benefits as of May 25, 2008, because the employer laid him off from work. A hearing was scheduled for August 4, 2008. Before the hearing, the employer faxed a withdrawal request. 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.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The employer withdrew its appeal from a representative's July 8, 2008 decision. The employer's withdrawal request was faxed to the Appeals Section on July 31, 2008.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 July 8, 2008 decision (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of May 25, 2008, provided he meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw