

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOVIOUS, D'WANA, M
Claimant

APPEAL NO. 13A-UI-02523-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 01/20/13
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the February 22, 2013, reference 01, decision that allowed benefits and that held the employer's account could be charged, based on an agency conclusion the claimant's January 7, 2013 separation was for good cause attributable to the temporary employment agency. A hearing was scheduled for March 28, 2013. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for March 28, 2013. On March 19, 2013, the employer faxed to the Appeals Section a request to withdraw the appeal. The request was filed prior to presentation of evidence or entry of a decision in connection with 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 February 22, 2013, reference 01, decision that allowed benefits and that held the employer's account could be charged, based on the January 7, 2013 separation shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs