

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GLORIA L HINTON
Claimant

APPEAL NO. 15A-UI-00115-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 11/30/14
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Gloria Hinton filed an appeal from the December 26, 2014, reference 01, decision that denied benefits effective November 30, 2014; based on an Agency conclusion that she had requested and been granted a leave of absence, was voluntarily unemployed, and was not available for work. A hearing was scheduled for January 29, 2015. The hearing in this matter was consolidated with the hearing in Appeal No. 15A-UI-00116-JTT. Prior to the hearing being held, the claimant/appellant requested that the appeal in both matters be withdrawn.

FINDINGS OF FACT:

Gloria Hinton is the claimant and appellant in this matter. A consolidated appeal hearing was set for 3:00 p.m. on January 29, 2014. Ms. Hinton is represented by William J. Bribresco & Associates. At 1:50 p.m. on January 29, 2014 Ms. Hinton's counsel faxed a request to withdraw the appeal in both matters. The request had not yet been forwarded to the administrative law judge at the time set for the hearing. At the time set for the hearing, the administrative law judge spoke with attorney William Bribresco by telephone and Mr. Bribresco confirmed the claimant's request to withdraw her appeal in both matters. The administrative law judge attempted to notify the employer that the appeal had been withdrawn but no one answered the phone at the number the employer had provided for the hearing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The claimant's request to withdraw the appeal is approved. The December 26, 2014, reference 01, decision that denied benefits effective November 30, 2014; based on an Agency conclusion that the claimant requested and was granted a leave of absence, was voluntarily unemployed, and was not available for work shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/can