

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JAMES E JACKSON
Claimant

APPEAL NO. 19A-UI-01764-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PREMIER STAFFING INC
Employer

OC: 02/03/19
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the February 22, 2019, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on February 5, 2019 for no disqualifying reason. A hearing was scheduled for March 13, 2019. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 13, 2019. On March 11, 2019, the Appeals Bureau received the employer's mailed written request to withdraw the appeal. The filing is postmarked March 8, 2019. The employer's request to withdraw the appeal was filed before a decision was entered in connection with the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 administrative law judge 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 February 22, 2019, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on February 5, 2019 for no disqualifying reason, shall remain in effect. The hearing set for March 13, 2019 is hereby cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs