

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DIANA L MUSGROVE**  
Claimant

**APPEAL NO. 07A-UI-11006-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TOYOTA MOTOR CREDIT CORP**  
Employer

**OC: 11/06/07 R: 03**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Toyota Motor Credit Corporation filed a timely appeal from the November 16, 2007, reference 01, decision that allowed benefits. A hearing was scheduled for December 12, 2007, but was postponed. Prior to a hearing being held, the appellant requested the appeal be withdrawn.

**ISSUE:**

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

**FINDINGS OF FACT:**

A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing via a letter, dated December 28, 2007, from TALX UC eXpress Unemployment Insurance Consultant Danila Loquiao. The letter indicated that the employer was withdrawing the appeal in lieu of responding to the claimant's discovery request.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The Agency representative's November 16, 2007, reference 01, decision is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw