

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PUDOLI MENDOZA

Claimant

APPEAL NO. 13A-UI-10927-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY

Employer

OC: 08/25/13

Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Pudoli Mendoza filed a timely appeal from the September 19, 2013, reference 01, decision that disqualified him for unemployment insurance benefits. A hearing was scheduled for October 17, 2013. At the time of the hearing, Mr. Mendoza requested the appeal be withdrawn. Luis Meza appeared to represent the employer. Spanish-English interpreter Ike Rocha assisted with the proceedings.

FINDINGS OF FACT:

Claimant, Pudoli Mendoza, is the appellant in this matter. The appeal hearing was set for October 17, 2013. The proceedings were recorded. Mr. Mendoza was present for the hearing, as was employer representative Luis Meza and Spanish-English interpreter Ike Rocha. As the administrative law judge was providing the opening statement, Mr. Mendoza asked to speak. Ms. Mendoza told the administrative law judge that he had new employment and that he wanted to withdraw his appeal. Mr. Mendoza appears to have substantial English skills, but also speaks Spanish. The administrative law judge utilized to make certain that Mr. Mendoza did indeed wish to withdraw the appeal and understood the consequences of withdrawing his appeal. Mr. Mendoza indicated in Spanish and in English that he understood and that he still wished to withdraw his appeal. The request to withdraw the appeal was made prior to presentation of evidence and prior to 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw the appeal is approved. The agency representative's September 19, 2013, reference 01, decision that disqualified the claimant for benefits shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs