

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE K STRONG

Claimant

APPEAL NO. 15A-UI-07250-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THOMAS L CARDELLA & ASSOCIATES INC

Employer

OC: 05/24/15

Claimant: Respondent (6)

Iowa Code Section 96.5(2) - Discharge

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 18, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on an Agency conclusion that the claimant had been discharged on May 21, 2015 for no disqualifying reason. The claimant requested an in-person hearing and an in-person hearing was scheduled for December 7, 2015 at 3:00 p.m. at the Cedar Rapids Workforce Development Center. The parties were properly notified by notice mailed to the parties on November 13, 2015. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 parties had proper notice of the in-person appeal hearing set for December 7, 2015. On the morning of December 7, 2015, the Appeals Bureau received the employer's written request to withdraw the appeal. The request was dated December 4, 2015. The request was submitted by the employer's representative of record, Talx/Equifax. The request to withdraw the appeal was submitted before a decision had been 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appeal and the administrative file and concludes that the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The June 18, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on May 21, 2015 separation, shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css