

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA C ELGAS

Claimant

APPEAL NO. 15A-UI-10807-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC

Employer

OC: 03/01/15

Claimant: Respondent (6)

Iowa Code Section 96.5(3) – Work Refusal
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the September 25, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible, based on an Agency conclusion that the claimant did not accept an offer of work with the employer on August 30, 2015 because the work was unsuitable in light of the claimant's physical abilities. A hearing was scheduled for October 12, 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 Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 appeal hearing is set for October 12, 2015. On October 1, 2015, the employer faxed to the Appeals Bureau a copy of the employer's hearing notice on which the employer had written a request to withdraw the appeal. The request is signed by Michael Payne, Risk Manager. The request 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 records and files herein and 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 September 25, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible, based on an Agency conclusion the claimant did not accept an offer of work on August 30, 2015 because the work was unsuitable, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs