

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAMON CHAVARRIA
Claimant

APPEAL NO. 10A-UI-12465-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 07/25/10
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the August 23, 2010, reference 01, decision that allowed benefits. A hearing was scheduled for October 26, 2010. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request has been submitted by means of a recorded telephone call at the scheduled start of the appeal hearing set for October 26, 2010, at 2:00 p.m. Kris Travis made the request to withdraw the appeal on behalf of the employer.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The request of the appealing party to withdraw the appeal is approved. The Agency representative's August 23, 2010, reference 01, decision that allowed benefits, provided the claimant is otherwise eligible, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs