

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORANE BURGESS

Claimant

APPEAL NO: 10A-UI-14856-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABM JANITORIAL SERVICES NORTH

Employer

OC: 09/26/10

Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's October 18, 2010 determination (reference 01) that concluded the claimant was qualified to receive benefits and the employer's account was subject to charge because the claimant had been discharged or nondisqualifying reasons. A hearing was scheduled on November 30, 2010. The claimant appeared for the hearing. The employer's representative appeared for the hearing. After the employer's witness informed the administrative law judge that his supervisor told him he did not participate in the hearing, the employer's representative withdrew the employer's appeal. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The employer's representative withdrew the employer's appeal after learning the employer's witness was not participating in the hearing. The employer's withdrawal request was tape-recorded.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

DECISION:

The representative's October 18, 2010 determination (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of September 26, 2010, provided he meets all other eligibility requirements. The employer's account may be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css