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

JOSEPH N GOMEZ
Claimant

APPEAL NO: 13A-UI-13736-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC
Employer

OC: 11/03/13
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's December 5, 2013 determination (reference 03) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had timely requested another assignment after he completed an assignment. A hearing was scheduled on January 8, 2014. The employer faxed a withdrawal request to the Appeals Section on January 7, 2014. 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 withdrew its appeal from a representative's December 5, 2013 determination (reference 03). The employer's written withdrawal request was faxed to the Appeals Section on January 7, 2014.

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 (1)   An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

The employer is not one of the claimant's base period employers.

DECISION:

The representative's December 5, 2013 determination (reference 03) is affirmed. The employer's withdrawal request is approved. This means as of November 3, 2013, the claimant remains qualified to receive benefits. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise
Administrative Law Judge

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Decision Dated and Mailed

dlw/css