

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL P THAMONTRI
Claimant

APPEAL NO. 07A-UI-08014-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIELDSTONE MORTGAGE CO
Employer

OC: 07/08/07 R: 02
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Fieldstone Mortgage Company (employer) appealed a representative's August 9, 2007 decision (reference 02) that concluded Michael P. Thamontri (claimant) was qualified to receive unemployment insurance benefits; the employer's account was subject to charge because the claimant's employment ended for nondisqualifying reasons. A hearing was scheduled on September 5, 2007. Prior to the hearing, the employer's representative, TALX, made a request to withdraw 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.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The employer withdrew its appeal from a representative's August 9, 2007 decision. The employer's representative, TALX, faxed a written withdrawal request on September 5, 2007.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 August 9, 2007 decision (reference 02) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of July 8, 2007, 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/kjw