

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

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RR1 BOX 248  
BIGGSVILLE IL 61418

TYSON FRESH MEATS INC  
c/o TALX – UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-04565-SWT  
OC: 04/03/05 R: 04  
Claimant: Respondent (6)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 871IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated April 20, 2005, reference 01. A hearing was scheduled for May 19, 2005. The employer requested the appeal be withdrawn because it has never employed the claimant. Further, that an unemployment insurance decision with the proper employer, PBX, Inc., had been issued on May 4, 2005, reference 02, regarding the same separation from employment, which has been scheduled for an appeal hearing (Appeal 05A-UI-05143) on June 2, 2005.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and 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 administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved. The hearing on June 2, 2005, with PBX Inc. will resolve the issue regarding the separation from employment in this case.

DECISION:

The appeal of the unemployment insurance decision dated April 20, 2005, reference 01, has been withdrawn since the wrong employer was a party. The decision granting benefits remains in effect but will be reviewed in Appeal 05A-UI-05143.

saw/pjs