

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**KEVIN B PETERS**

Claimant

**APPEAL NO. 19A-UI-00621-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**

Employer

**OC: 12/16/18**

**Claimant: Respondent (6)**

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 11, 2019, reference 02, decision that held the claimant was eligible for benefits provided he met all other eligibility requirements and the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on August 10, 2018 for no disqualifying reason. A hearing was scheduled for February 5, 2019. Prior to the hearing, the employer requested that the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing is set for February 5, 2019. On January 31, 2019, the employer submitted a written request to withdraw the appeal. The request was filed prior to the entry of a decision in connection with the appeal.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge concludes that the employer's request to withdraw the appeal should be approved.

**DECISION:**

The employer's appeal is withdrawn. The January 11, 2019, reference 02, decision that held the claimant was eligible for benefits provided he met all other eligibility requirements and that the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on August 10, 2018 for no disqualifying reason, shall remain in effect. The hearing set for February 5, 2019 is cancelled.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs