

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHY A MCCARTER
Claimant

APPEAL NO. 13A-UI-09584-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN HEALTHWAYS SERVICES INC
Employer

OC: 07/14/13
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the August 12, 2013, reference 02, decision that allowed benefits, and that held the employer's account could be charged, based on an agency conclusion the claimant was laid off effective May 1, 2012. A hearing was scheduled for September 24, 2013. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for September 24, 2013. On September 9, 2013, the employer faxed a request to withdraw the appeal. The request was submitted prior to a decision being entered in connection with the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The employer's request to withdraw the appeal is approved. The agency representative's August 12, 2013, reference 02, decision that that allowed benefits provided the claimant was otherwise eligible, and that held the employer's account could be charged, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css