

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARLENE M DOLE
Claimant

APPEAL NO. 14A-UI-04022-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 03/16/14
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the April 7, 2014, reference 01, decision that allowed benefits to the claimant effective March 16, 2014, provided she was otherwise eligible, based on an agency conclusion that the claimant was on a short-term layoff and was able and available for work. A hearing was scheduled for May 6, 2014. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant. The appeal hearing is set for May 6, 2014. Prior to the hearing, the employer faxed to the Appeals Section a written request to withdraw its appeal. The request was submitted before a decision had been entered 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claims deputy's April 7, 2014, reference 01, decision that allowed benefits effective March 16, 2014, provided she was otherwise eligible, based on an agency conclusion that the claimant was on a short-term layoff and was able and available for work shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs