

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT A SCHWARZ**  
Claimant

**APPEAL NO. 06A-UI-09544-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEYS MARKETING COMPANY**  
Employer

**OC: 04/09/06 R: 01  
Claimant: Respondent (6)**

871 IAC26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Casey's Marketing Company appealed a representative's September 18, 2006 decision (reference 04) that concluded Robert A. Schwarz (claimant) was qualified to receive unemployment insurance benefits even though he had not accepted the employer's offer of work. A hearing was scheduled on October 11, 2006. The claimant appeared for the hearing. The claimant had potential witnesses that were not called for the hearing. Lisa Larson appeared on the employer's behalf. After the employer learned there was no dispute that the claimant had never worked for the employer, the employer withdrew its appeal in this matter. 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.

**FINDINGS OF FACT:**

The employer withdrew its appeal from the September 18, 2006 decision after learning there was no dispute that the claimant never worked for the employer. The employer's withdrawal request 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

**DECISION:**

The representative's September 18, 2006 decision (reference 04) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of September 2, 2006, provided he meets all other eligibility requirements. The employer's account will not be charged because the claimant has not worked for the employer.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs