

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALBERTA M CARTER
Claimant

APPEAL NO. 11A-EUCU-00746-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AXCESS STAFFING SERVICES LLC
Employer

**OC: 03/27/11
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's September 19, 2011 determination (reference 02) that held the claimant eligible to receive benefits as of August 21, 2011, because she was able to and available for work. A hearing was initially scheduled for October 20. This hearing was rescheduled because the issue on the hearing notice was not correct. Prior to the rescheduled October 27 hearing, the employer's representative, TALX, made a request to withdraw the employer's appeal. 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.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The employer made a request to withdraw its appeal from a representative's September 19, 2011 determination. The employer's withdrawal request was faxed to the Appeals Section on October 26, 2011.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 19, 2011 determination (reference 02) is affirmed. The employer's withdrawal request is approved. The claimant is eligible to receive benefits as of August 21, 2011, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw