

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES R CLINE**  
Claimant

**APPEAL NO. 12A-UI-06698-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EXPRESS INC OF IOWA**  
Employer

**OC: 05/06/12**  
**Claimant: Respondent (6)**

Section 96.5(1) – Layoff  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the June 4, 2012, reference 01, decision that allowed benefits. A hearing was scheduled for June 28, 2012. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**ISSUE:**

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

**FINDINGS OF FACT:**

The employer is the appealing party. A hearing was set for June 28, 2012. On June 27, 2012, the employer faxed a written request to withdraw the appeal. The request was received prior to the hearing and prior to entry of a decision 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 June 4, 2012, reference 01, decision that allowed benefits shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw