

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL B BURRIS**  
Claimant

**APPEAL NO. 14A-UI-03944-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROWN CUSTOMER DELIGHT GROUP INC**  
Employer

**OC: 03/09/14**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the April 4, 2014, reference 04, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged, based on an agency conclusion that the claimant was laid off. A hearing was scheduled for May 2, 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 Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 was set for May 2, 2014. Prior to the hearing, the employer requested that the appeal be withdrawn. The request to withdraw the appeal 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 4, 2014, reference 04, decision shall remain effect. That decision allowed benefits to the claimant, provided he was otherwise eligible and held the employer's account could be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css