

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE R MC BRIDE
Claimant

APPEAL NO: 12A-UI-10436-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BBE PARTNERS LLC
Employer

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

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's August 22, 2012 determination (reference 04) that denied the claimant's request for business closing benefits because the employer's representative asserted the claimant had not worked for the employer. A hearing was scheduled on September 25, 2012. On September 10, 2012, the employer's representative, Merit Resources, faxed a letter to the Appeals Section indicating the employer was no longer contesting the claimant's receipt of benefits. The administrative law judge called Merit Resources on September 20 to verify the employer wanted to withdraw its 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.

FINDINGS OF FACT:

The employer withdrew an appeal from a representative's August 22, 2012 determination (reference 04). On September 20, the employer confirmed that the employer wanted to withdraw the appeal as indicated in a September 10 letter.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 the appeal is approved.

DECISION:

The representative's August 22, 2012 determination (reference 04) is affirmed. The employer's withdrawal request is approved. This means the claimant remains qualified to receive regular unemployment benefits, but her request to have her claim re-determined as a business closing remains denied.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css