

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBBRA M FIER
Claimant

APPEAL NO. 11A-UI-14428-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMES EYE CLINIC
Employer

**OC: 01/02/11
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed from a department representative's decision dated October 26, 2011, reference 03, that held the claimant was not discharged for misconduct on September 25, 2011, and benefits are allowed. A telephone hearing was scheduled for November 28, 2011. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been orally recorded. The employer appeal states claimant was not discharged for misconduct. When the employer was advised letting an employee go for failing a probationary period is a separation for no disqualifiable reason, it withdrew 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated October 26, 2011, reference 03, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative that claimant was not discharged for misconduct on September 25, 2011 shall stand and remain in full force and effect. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs