

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW J NUTT**  
Claimant

**APPEAL NO. 11A-UI-12490-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SCHMADEKE FEED MILL INC**  
Employer

**OC: 08/21/11**  
**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 01) that held the claimant eligible to receive benefits when he was on a short-term layoff. A hearing was scheduled on October 14, 2011. The claimant did not respond to the hearing notice or participate at the hearing. Trent Schmadeke appeared on the employer's behalf. At the hearing, the employer withdrew the appeal in this matter because the issue the employer wanted addressed was addressed in a subsequent determination. 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:**

A September 26, 2011 determination resolved the issue the employer raised in its appeal. Since the issue was resolved to the employer's satisfaction, the employer made a request to withdraw its appeal. The withdrawal request was tape-recorded.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 01) is affirmed. The issue the employer raised in the appeal was resolved in a representative's September 26, 2011 determination. The employer's request to withdraw its appeal is granted. The claimant is eligible to receive benefits during a short-term layoff, provided he meets all other eligibility requirements, including not having excessive earnings from wages or vacation pay.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw