

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRHAS DESTA

Claimant

APPEAL NO. 17A-UI-08960-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY

Employer

OC: 08/06/17

Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge

Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the August 24, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on August 8, 2017 for no disqualifying reason. A hearing was scheduled for September 20, 2017. Employer representative Chelsee Cornelius appeared for the hearing. Ms. Desta did not register a telephone number for the hearing and did not participate. After the administrative law judge provided the opening statement, but before presentation of evidence, the employer requested to withdraw the appeal.

FINDINGS OF FACT:

Employer Swift Pork Company, a/k/a JBS, is the appellant in this matter. At the time of the hearing, the employer appeared through Chelsee Cornelius, Human Resources Manager. After the conclusion of the administrative law judge's opening statement, Ms. Cornelius requested that the employer's appeal be withdrawn. The request to withdraw the appeal was made before a decision had 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge 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 August 24, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on August 8, 2017 for no disqualifying reason, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs