

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

EDUARDO GUIDO

Claimant

APPEAL 17A-UI-03167-TN

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY

Employer

OC: 02/19/17

Claimant: Respondent (6)

Iowa Code §96.5(2)(a) – Discharge for Misconduct
Iowa Code §96.3(7) – Overpayment of Benefits
Iowa Admin. Code r. 871-24.10 – Employer Participation in Fact-Finding Interview
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from an unemployment insurance decision dated March 10, 2017, reference 01, which allowed benefits to the claimant. An in-person hearing was scheduled on April 27, 2017, at 10:00 a.m. in Ottumwa, Iowa. On the morning of April 27, 2017, shortly before the hearing would begin, the employer/appellant submitted a written withdrawal of its appeal. The Appeals Bureau received the withdrawal and promptly notified the claimant and his attorney of the withdrawal. No hearing was held due to the employer/appellant's written withdrawal of its appeal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The unemployment insurance decision issued on March 10, 2017, reference 01, determined that the claimant was eligible for benefits. On March 17, 2017, the employer appealed this decision. On March 23, 2017, a hearing notice was issued, scheduling a telephone hearing for this appeal on April 14, 2017, at 2:00 p.m. On March 27, 2017, the claimant's attorney requested an in-person hearing. This request was granted. The hearing was scheduled on April 27, 2017, at 10:00 a.m., in Ottumwa, Iowa, the location nearest the claimant and the employer. The notice for this in-person hearing was mailed on April 5, 2017.

On April 27, 2017, a few hours before the hearing was scheduled to begin, the employer, the appealing party, requested to withdraw the appeal. The request was submitted in writing, via fax, by the employer's representative. The Appeals Bureau received the withdrawal that morning and promptly notified the claimant's attorney and the administrative law judge assigned to conduct this hearing.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw his or her appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1).

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The appealing party's request to withdraw its appeal of the unemployment insurance decision dated March 10, 2017, reference 01, is approved. That decision shall stand and remain in full force and effect.

Terence P. Nice
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

ec/rvs