

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANNMARIE KERNS**  
Claimant

**APPEAL 17A-UI-03090-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STAPLES CONTRACT AND COMMERCIAL**  
Employer

**OC: 02/28/16  
Claimant: Respondent (6)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment  
Iowa Code §96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the March 9, 2017, (reference 01) unemployment insurance decision that found claimant was eligible for benefits. A telephone hearing was scheduled for April 12, 2017 at 9:00 a.m. Prior to the scheduled hearing date, the appellant requested the appeal be withdrawn.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was submitted in writing and was verified by the appellant.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated March 9, 2017, (reference 01) is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on April 12, 2017, at 9:00 a.m. is canceled.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

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