

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KAY L TAYLOR**  
Claimant

**APPEAL NO. 09A-UI-06353-NT**

**ADMINISTRATIVE LAW JUDGE  
AMENDED DECISION**

**MAXIM HEALTHCARE SERVICES INC**  
Employer

**Original Claim: 03/08/09  
Claimant: Respondent (1)**

871 IAC 26.8(1) – Withdrawal of Appeal  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated April 15, 2009, reference 02. A hearing was scheduled for May 20, 2009. Prior to the hearing being held, the appellant requested the appeal be withdrawn. In error, a decision on the record citing 871 IAC 26.8(5) was issued in this matter on May 20, 2009.

**ISSUE:**

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal filed April 23, 2009.

**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 submitted in writing.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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. The representative's decision dated May 20, 2009, citing 871 IAC 26.8(5), is amended.

**DECISION:**

The representative's decision dated April 15, 2009, reference 02, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The previous decision dated May 20, 2009, citing 871 IAC 26.8(5), is hereby amended.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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