

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHNNY A NASH
Claimant

APPEAL NO. 11A-UI-11756-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SEQUEL YOUTH SERVICES
OF WOODWARD**
Employer

OC: 07/31/11
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's August 26, 2011 determination (reference 01) that concluded the claimant was qualified to receive benefits and the employer's account was subject to charge because the claimant had been discharged for non-disqualifying reasons. Prior to the scheduled hearing, the employer made a request to withdraw its appeal. 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:

The employer made a request to withdraw its appeal from the representative's August 26, 2011 determination. On September 28, 2011, the employer faxed its withdrawal request to the Appeals Section.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 August 26, 2011 determination (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive benefits as of July 31, 2011, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw