

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIAH N BERRY**  
Claimant

**APPEAL NO. 14A-UI-07136-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FIVE STAR QUALITY CARE INC**  
Employer

**OC: 06/08/14**  
**Claimant: Respondent (6)**

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the June 30, 2014 (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 an Agency conclusion that the claimant had been discharged for no disqualifying reason. A hearing was scheduled for August 4, 2014. Prior to the hearing being held, the employer/appellant, through Thomas & Thorngren, requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing is set for August 4, 2014. On July 22, 2014 the employer through Christine Foley, Account Representative at Thomas & Thorngren, filed a written request to withdraw the appeal. The request was submitted before a decision had been 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The claims deputy's June 30, 2014 (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, shall remain in effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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