

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DILLON R SCHULTZ**  
Claimant

**APPEAL NO. 12A-UI-00842-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THOMAS L CARDELLA & ASSOCIATES INC**  
Employer

**OC: 12/11/11  
Claimant: Respondent (6)**

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

**STATEMENT OF THE CASE:**

Thomas L. Cardella & Associates, Inc. filed a timely appeal from the January 18, 2012, reference 01, decision that allowed benefits. A telephone hearing was scheduled for February 16, 2012. Prior to the hearing being held, the appellant requested that the appeal be withdrawn because a new decision has been issued by Iowa Workforce Development providing the relief requested by the employer.

**ISSUE:**

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

**FINDINGS OF FACT:**

The administrative law judge having considered all of 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

**DECISION:**

The Agency representative's decision dated January 18, 2012, reference 01, is determined to be null and void, as a new decision has been issued by Iowa Workforce Development providing the relief requested by the employer. The request of the appealing party to withdraw the appeal is approved and the decision of the representative has been replaced by a decision dated February 3, 2012, reference 03, which denied unemployment insurance benefits.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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