

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATIE J GROSS
Claimant

APPEAL NO. 11A-UI-01693-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA
Employer

OC: 01/09/11
Claimant: Appellant (6)

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

STATEMENT OF THE CASE:

The employer filed an appeal from the February 2, 2011, reference 01, decision that allowed benefits. A hearing was scheduled for March 14, 2011. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

ISSUE:

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

FINDINGS OF FACT:

The employer is the appealing party. Hearing on the appeal is set for March 14, 2011. On February 25, 2011, the employer/appellant submitted a written request to withdraw the appeal. The request was submitted by fax and was submitted by Barnett Associates on behalf of the employer.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The employer's request to withdraw the appeal is approved. The Agency representative's February 2, 2011, reference 01, decision allowing benefits shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw