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

DAWN N EPTON
Claimant

TEAM STAFFING SOLUTIONS INC
Employer

APPEAL NO. 11A-UI-14734-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/09/11
Claimant: Respondent (6)

Section 96.4(3) – Work Search Requirement
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The *employer* filed an appeal from the November 1, 2011, reference 02, decision that notified the claimant she was required to search for work each week she claimed benefits. A hearing was scheduled for December 7, 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 Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 appealed a decision that was not adverse to the employer. The decision that employer appealed is one of two decisions entered into connection with Ms. Epton's October 9, 2011 claim for benefits. Neither decision was adverse to the employer. On December 6, 2011, Sara Fiedler, claims administrator, requested to withdraw the appeal. The requested occurred as part of a recorded telephone conversation initiated by the administrative law judge.

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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 November 1, 2011, reference 02, decision shall remain effect.

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James E. Timberland
Administrative Law Judge

_____
Decision Dated and Mailed

jet/kjw