

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BENJAMIN ALFARO-GAMINO**  
Claimant

**SWIFT PORK COMPANY**  
Employer

**APPEAL NO. 12A-UI-04118-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/19/12**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed from a department representative's decision dated April 4, 2012, reference 01, that held it failed to establish misconduct in the discharge of claimant on February 24, 2012, and benefits are allowed. A telephone hearing was scheduled for May 4, 2012. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn.

**ISSUE:**

The issue is whether the appeal should be withdrawn.

**FINDINGS OF FACT:**

The administrative law judge, having considered 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 decision of the representative dated April 4, 2012, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative finding claimant was not discharged for misconduct on February 24, 2012 shall stand and remain in full force and effect. Benefits are allowed, provided the claimant is otherwise eligible.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/pjs