

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHAWN E OSBURNSEN
Claimant

APPEAL NO. 13A-UI-04460-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NATIONWIDE MUTUAL INSURANCE CO
Employer

**OC: 03/17/13
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the April 4, 2013, reference 01, decision that allowed benefits. A hearing was scheduled for May 21, 2013. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for May 21, 2013. On May 2, 2013, the employer submitted a request to withdraw the appeal. The employer did so by fax. The request to withdraw the appeal came before entry of a decision in connection with the employer's appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 April 4, 2013, reference 01, decision that allowed benefits to the claimant provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs