

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD F CHRISTOPHERSEN
Claimant

APPEAL NO. 09A-UI-08088-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PALO COOP TELEPHONE ASSN
Employer

**Original Claim: 02/01/09
Claimant: Respondent (6)**

871 IAC 26.8 (1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Palo Coop Telephone Association (employer) appealed a representative's February 26, 2009 decision (reference 01) that concluded Todd F. Christophersen (claimant) was qualified to receive benefits because his employment separation was for non-disqualifying reasons. A hearing was scheduled for June 30, 2009. The claimant appeared for the hearing with his attorney, Joe Bertroche. Dave Lowe, the general manager, appeared on the employer's behalf. At the time of the hearing, the employer withdrew its appeal in this matter because the employer had not intended to appeal the decision concerning the reasons for the claimant's employment separation. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The employer withdrew its appeal from the representative's February 26, 2009 decision. The employer's withdrawal request was tape-recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's February 26, 2009, decision (reference 01) is affirmed. The employer's withdrawal request is approved. Based on the reasons for his employment separation, the claimant remains qualified to receive unemployment insurance benefits as of February 1, 2009, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw