

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

MARY K HALE
Claimant

APPEAL NO. 18A-UI-10521-JTT

**CORRECTED
ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 09/23/18
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the October 12, 2018 reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on August 13, 2018 for no disqualifying reason. A hearing was scheduled for November 5, 2018. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

This corrected decision is being entered to correct the disposition of the appeal matter to reflect withdrawal of an appeal, rather than a default decision based on the employer/appellant's failure to appear for the appeal hearing.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing was set for November 5, 2018. Prior to the hearing, the employer submitted a written request to withdraw the appeal. The request was filed before a decision was entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge approves the employer's request to withdraw the appeal.

DECISION:

The employer's request to withdraw the appeal is approved. The October 12, 2018 reference 01, decision remains in effect. That decision allowed benefits to the claimant provided she was otherwise eligible and held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on August 13, 2018 for no disqualifying reason.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs