

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AUDRA L CUELLAR
Claimant

APPEAL NO. 08A-UI-04156-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACCESS DIRECT TELEMARKETING INC
Employer

**OC: 03/23/08 R: 02
Claimant: Respondent (6)**

Iowa Code section 96.5(1) – Voluntary Quit Prior to Effective Date of Layoff
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Access Direct Telemarketing, Inc., filed a timely appeal from the April 25, 2008, reference 05, decision that allowed benefits effective March 30, 2008. A hearing was scheduled for May 13, 2008. Prior to the hearing being held, the appellant requested the appeal be withdrawn.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:

On May 9, 2008, the employer's representative of record, TALX UC eXpress, submitted written request to withdraw 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

DECISION:

The Agency representative's April 25, 2008, reference 05, decision is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw