

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIM I BAUER**  
Claimant

**APPEAL NO. 06A-UI-10055-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DRIFTWOOD PIZZA INC**  
Employer

**OC: 07/09/06 R: 01**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Kim Bauer filed a timely appeal from the October 12, 2006, reference 01, decision that allowed but denied Ms. Bauer's request to have her benefits redetermined as being based on a lay off due to a business closing. After due notice was issued, a hearing was scheduled for October 30, 2006. Ms. Bauer participated. Terri Herbold represented the employer. Prior to the presentation of evidence, the appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

A request has been made by the appealing party to withdraw the appeal. The request has been submitted by means of a recorded telephone call at the scheduled start of the hearing.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 October 12, 2006, reference 01, 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. The claimant is eligible for benefits, provided she is otherwise eligible. The claimant's request to have her benefits redetermined as being based on a business closing is denied.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/cs