

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRANDY L LALLY**  
Claimant

**APPEAL NO. 14A-UI-00925-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WORKSOURCE INC**

Employer

**OC: 12/29/13**  
**Claimant: Respondent (6)**

Iowa Code section 96.6(2) – Timeliness of Protest  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 22, 2014, reference 02, decision that allowed benefits to the claimant provided the claimant was otherwise eligible and that held that the employer's account could be charged, based on an agency conclusion that the employer's protest was untimely. A hearing was scheduled for February 17, 2014. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 was set for February 17, 2014. Prior to the appeal hearing and prior to entry of a decision in connection with the appeal, the employer requested to withdraw the appeal. The request was made during a recorded telephone call.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Claims Deputy's January 22, 2014, reference 02, decision that allowed benefits to the claimant provided the claimant was otherwise eligible and that held that the employer's account could be charged, based on an agency conclusion that the employer's protest was untimely, shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs