

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MYRON H SCHARKEY**

Claimant

**APPEAL NO: 11A-UI-01262-S**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEYL TRUCK LINES INC**

Employer

**OC: 01/02/11**

**Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated January 27, 2011, reference 01, that held he was discharged for misconduct on December 19, 2010, and benefits are denied. A hearing was scheduled for Sioux City, Iowa on May 25, 2011. Prior to the hearing, the appellant/claimant requested to withdraw the appeal.

**ISSUE:**

Whether the appeal should be withdrawn.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record, finds: The claimant's Attorney submitted a request to withdraw and dismiss the 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 the claimant request to withdraw the appeal is approved.

**DECISION:**

The department decision dated January 27, 2011, reference 01, is affirmed. The claimant's request to withdraw and dismiss the appeal is approved. The department decision that claimant was discharged for misconduct on December 19, 2010 remains in force and effect. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs