

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BENNIE L EASTON**  
Claimant

**APPEAL NO. 11A-UI-12172-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON TRANSPORTATION CO INC**  
Employer

**OC: 07/24/11  
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's September 6, 2011 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account is subject to charge because the reasons for his employment separation do not disqualify him from receiving benefits. A hearing was scheduled for October 10, 2011. On October 7, the employer's representative, Thomas & Thorngren, faxed a letter to the Appeals Section that stated the employer wanted to withdraw this appeal. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

**FINDINGS OF FACT:**

The employer withdrew its appeal from the representative's September 6, 2011 determination. The employer faxed a letter on October 7, 2011, stating the employer wanted to withdraw its appeal in this matter.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

**DECISION:**

The representative's September 6, 2011 determination (reference 02) is affirmed. The employer's request to withdraw its appeal is approved. This means the claimant remains qualified to receive benefits as of July 24, 2011, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw