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

SHERIE M ROBERTS
Claimant

APPEAL NO. 14A-UI-06663-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 05/18/14
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 17, 2014, reference 02, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged, based on an agency conclusion that the claimant's May 24, 2014 separation was for no disqualifying reason. A hearing was scheduled for July 21, 2014. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

The employer is the appellant in this matter. The hearing was set for July 21, 2014. Prior to the scheduled start of the hearing, the employer, through Jim Cole, requested that the appeal be withdrawn. The request was made via a recorded telephone call. The request was made before any decision had been entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 June 17, 2014, reference 02, decision that that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged shall remain in effect.

_____
James E. Timberland
Administrative Law Judge

_____
Decision Dated and Mailed

jet/css