

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELE R BARRON
Claimant

APPEAL NO: 13A-UI-06296-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 04/14/13
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's May 14, 2013 determination (reference 01) that held the claimant eligible to receive benefits as of April 14, 2013, because the employer did not have work available when the claimant offered to return to work after she recovered from an illness or injury. A hearing was scheduled on July 3, 2013. Before the hearing started, the employer called the Appeals Section and withdrew the 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.

FINDINGS OF FACT:

The employer withdrew an appeal from a representative's May 14, 2013 determination (reference 01). The employer's July 3, 2013 withdrawal request was recorded.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 May 14, 2013 determination (reference 01) is affirmed. The employer's withdrawal request is approved. This means the claimant remains qualified to receive benefits as of April 14, 2013. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs