

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**TRICIA C AKINS**  
Claimant

**APPEAL NO. 19A-UI-07911-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AEROTEK INC**  
Employer

**OC: 09/08/19**  
**Claimant: Respondent (6)**

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Iowa Code Section 96.5(1) – Temporary Employment Separation  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the October 1, 2019, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant's August 27, 2019 separation was for good cause attributable to the employer. A hearing was scheduled for October 30, 2019. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 is set for October 30, 2019. On October 28, 2019, the employer filed a written request to withdraw the appeal. The request was submitted before the administrative law judge entered a decision 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge has reviewed the administrative file and concludes that the employer's timely request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The October 1, 2019, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant's August 27, 2019 separation was for good cause attributable to the employer, remains in effect. The hearing set for October 30, 2019 is cancelled.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/scn