

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS R CLEMEN
Claimant

APPEAL NO: 10A-UI-09760-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXIDE TECHNOLOGIES
Employer

OC: 06/28/09
Claimant: Respondent (1)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a department decision dated July 2, 2010, reference 01, that held it failed to establish misconduct in the discharged of the claimant on June 3, 2010, and benefits are allowed. A telephone hearing was scheduled for August 26, 2010. Prior to the hearing, the employer representative requested to withdraw its appeal.

ISSUE:

Whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The employer submitted a written request to withdraw its appeal by letter dated August 5, 2010.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes that the employer request to withdraw its appeal is approved, and the department decision that allows claimant benefits remains in force and effect.

DECISION:

The department decision dated July 2, 2010, reference 01, is affirmed. The employer appeal is withdrawn, and the department decision that the employer failed to establish misconduct in the claimant's discharge on June 3, 2010, remains in force and effect. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs