

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD E CAUTHEN

Claimant

APPEAL NO. 13A-UI-11076-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENGINEERED FIRE PROTECTION

Employer

OC: 12/16/12

Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated September 24, 2013, reference 01, that held he was still employed in the same job and not eligible for benefits as of September 8, 2013. A hearing was scheduled for October 30, 2013. The claimant participated. Donna Coleman, Payroll/Accounting, participated for the employer. Prior to the hearing being held, the claimant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been made orally that has been recorded. Claimant received a subsequent favorable decision on his lay-off for lack of work from this employer on October 16, 2013, reference 02, and benefits are allowed.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated September 24, 2013, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Claimant is allowed benefits by a subsequent department decision dated October 16, 2013, reference 02.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css