

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PEGGY S ARCHILA
Claimant

APPEAL NO. 08A-UI-01903-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARRIOTT HOTEL SERVICES INC
Employer

**OC: 01/06/08 R: 02
Claimant: Respondent (6)**

Section 96.5-2-a – Discharge for Misconduct
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Marriott Hotel Services, Inc., filed a timely appeal from the February 15, 2008, reference 01, decision that allowed benefits. A hearing was scheduled for March 11, 2008. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing by means of a faxed letter, dated March 5, 2008, from Jaime L. Myers, Unemployment Insurance Consultant for TALX UC eXpress.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Agency representative's February 15, 2008, reference 01, decision 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.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw