

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRANDON J HICKS**  
Claimant

**APPEAL NO. 10A-UI-13844-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KIWK TRIP INC**  
Employer

**OC: 08/01/10  
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's October 1, 2010 determination (reference 03) that concluded the claimant was qualified to receive benefits and the employer's account was subject to charge. A hearing was scheduled on November 29, 2010. On November 16, 2010, the employer made a request to withdraw its 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.

**ISSUE:**

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

**FINDINGS OF FACT:**

The employer withdrew its appeal from a representative's October 1, 2010 determination. The employer faxed the withdrawal request on November 16, 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

**DECISION:**

The representative's October 1, 2010 determination (reference 03) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of August 1, 2010, provided he meets all other eligibility requirements. The employer's account may be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw