IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

TABATHA A KIRCHER Claimant **EXPRESS SERVICES INC** Employer	**APPEAL 18A-UI-08415-DB-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 07/15/18** **Claimant: Respondent (6)**

Iowa Code § 96.6(2) – Timeliness of Employer Protest
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from the representative's decision dated August 2, 2018 (reference 03) that found the employer's protest regarding the claimant's separation from employment was not timely. A hearing was scheduled for August 29, 2018. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

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 submitted in writing to the Appeals Bureau on August 22, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 appellant has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the record and file herein and concludes that the request of the appealing party to withdraw the appeal should be approved. The hearing scheduled for August 29, 2018 is cancelled.

DECISION:

The request of the appealing party to withdraw the appeal is approved. The decision of the representative dated August 2, 2018 (reference 03) shall stand and remain in full force and effect. The hearing scheduled for August 29, 2018 is cancelled.

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Dawn Boucher
Administrative Law Judge

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Decision Dated and Mailed

db/rvs