

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TOBY L GULLATTE
Claimant

APPEAL NO. 10A-UI-05064-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

**Original Claim: 02/28/10
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated March 23, 2010, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for May 19, 2010. Prior to the start of the hearing, the employer stated that it wished to withdraw its appeal. The employer's oral request was digitally recorded. The employer representative who made the request to withdraw the appeal was Joe Nevel, training manager.

ISSUE:

Whether the appellant should be permitted to withdraw its appeal.

FINDINGS OF FACT:

The administrative law judge, having reviewed the record, makes the following findings of fact: On May 19, 2010, the employer made an oral request to withdraw its appeal filed on April 2, 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 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 request of the appealing party to withdraw the appeal is approved. The Agency representative's decision dated March 23, 2010, reference 01, shall stand and remain in full force and effect

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw