

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLI M WILLIAMS

Claimant

APPEAL NO. 08A-UI-00414-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEYS MARKETING COMPANY

Employer

**OC: 12/16/07 R: 02
Claimant: Respondent (6)**

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

STATEMENT OF THE CASE:

Casey's Marketing Company (employer) appealed a representative's January 4, 2008 decision (reference 01) that concluded Shelli M. Williams (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A hearing was scheduled on January 29, 2008. Prior to the hearing, 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's representative, TALX, faxed the employer's request to withdraw its appeal. The Appeals Section received the employer's written request on January 28, 2008.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 January 4, 2008 decision (reference 01) is affirmed. The employer's withdrawal request is approved. As of December 16, 2007, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw