

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID B FOWLER
Claimant

APPEAL NO. 08A-UI-06439-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHWENCO
Employer

**OC: 06/15/08 R: O4
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

David Fowler filed a timely appeal from the July 9, 2008, reference 01, decision that allowed benefits and that concluded he had voluntarily quit part-time employment without good cause attributable to the employer. A hearing was scheduled for July 29, 2008. Mr. Fowler appeared. James Schwenneker appeared on behalf of the employer. After discussion at the scheduled start of the hearing, the claimant requested to withdraw his appeal.

FINDINGS OF FACT:

This matter was set for hearing on July 29, 2008. At the start of the hearing, the administrative law judge explained relevant aspects of the unemployment insurance law. The administrative law judge read and explained the July 9, 2008, reference 01, decision. The administrative law judge explained to claimant/appellant David Fowler that he had appealed from a decision that had been favorable to both him and the employer. Mr. Fowler had been unclear on whether he had in fact been deemed eligible for benefits because he had not yet received unemployment insurance benefits that were mailed to him on July 25, 2008. Mr. Fowler then made an informed and voluntary request to withdraw his appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative file and concludes that the claimant's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw his appeal is approved. The Agency representative's July 9, 2008, reference 01, decision shall stand and remain in full force and effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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