

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VALERIE W JOE BADIA
Claimant

APPEAL NO. 17A-UI-07464-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OZARK AUTOMOTIVE DISTRIBUTORS INC
Employer

OC: 07/02/17
Claimant: Respondent (6)

Iowa Code Section 96.5(2) – Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the July 18, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on June 16, 2017 for no disqualifying reason. The appeal hearing is set for October 4, 2017 and the parties have received proper notice of the hearing. On September 26, 2017, the employer requested that its appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. On September 26, 2017, the employer provided email notice through attorney Mickey Clark that the employer would be submitting a written request to withdraw the appeal. On September 26, 2017, Miranda Holle, Human Resources Unemployment Claims Specialist, faxed to the Appeals Bureau a request to withdraw the employer's appeal. The request to withdraw the appeal was filed prior to entry of a decision in connection with the appeal and prior to the appeal hearing set for October 4, 2017.

REASONING AND CONCLUSIONS OF LAW:

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 administrative law judge is familiar with the particulars of this unemployment insurance appeal and concludes the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The July 18, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on June 16, 2017 for no disqualifying reason, remains in effect. The appeal hearing set for October 4, 2017 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs