

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

MARY L HOY
Claimant

APPEAL NO. 19A-UI-01044-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S RETAIL COMPANY
Employer

OC: 01/06/19
Claimant: Respondent (6)

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

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 28, 2019, reference 01, decision that held the claimant was eligible for benefits provided she met all other eligibility requirements and that the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on January 3, 2019 for no disqualifying reason. A hearing was scheduled for February 20, 2019. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for February 20, 2019. On February 14, 2019, the employer submitted a written request to withdraw the appeal. The request was submitted before a decision was entered in connection with the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

DECISION:

The employer's request to withdraw the appeal is approved. The January 28, 2019, reference 01, decision that held the claimant was eligible for benefits provided she met all other eligibility requirements and that the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on January 3, 2019 for no disqualifying reason, shall remain in effect. The hearing set for February 20, 2019 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs