

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**DAVID P. CAVANAUGH  
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ANKENY IA 50023-2831**

**EMPLOYERS MUTUAL CASUALTY CO  
c/o TALX UCM SERVICES INC  
PO BOX 283  
ST LOUIS MO 63166-0283**

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**Appeal Number: 06A-UI-04412-RT  
OC: 03-12-06 R: 02  
Claimant: Respondent (6)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by TALX UCM Services, Inc., the representative of the employer, Employers Mutual Casualty Co., from a representative's decision dated April 12, 2006, reference 01. A hearing was scheduled for May 10, 2006 at 9:00 a.m. Prior to the hearing being held, the parties, by their attorneys, agreed to hold a prehearing conference, in lieu of a hearing on the merits. During the prehearing conference, the appellant, by its attorney, requested this appeal be withdrawn. An order was issued on the prehearing conference which order, by this reference, is incorporated herein as if it was fully and completely set forth herein.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the attorney for the appealing party to withdraw the appeal. The request has been submitted orally and tape-recorded. The withdrawal was made pursuant to the prehearing conference, the order for which is incorporated herein.

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 decision of the representative dated April 12, 2006, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The claimant, David P. Cavanaugh, is entitled to receive unemployment insurance benefits, provided eligibility requirements have been satisfied and pending resolution of other issues to be determined in another appeal hearing pursuant to the order on the prehearing conference.

gkr/kkf