

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SAMUEL A JUAREZ**  
Claimant

**APPEAL NO. 12A-UI-12126-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEST LIBERTY FOODS LLC**  
Employer

**OC: 09/16/12**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the October 4, 2012, reference 01, decision that allowed benefits. A hearing was scheduled for November 2, 2012. Prior to the hearing being held, the employer/appellant requested that the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. An appeal hearing is set for November 2, 2012. On October 30, 2012, the employer submitted a written request to withdraw the appeal. The request was submitted by attorney Tara Hall and received by fax. The request comes before the appeal hearing and before entry of a decision based on the 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 records and files herein and concludes that the appealing party's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The Agency representative's October 4, 2012, reference 01, decision remains in effect. That decision allowed benefits to claimant, provided he was otherwise eligible, and held the employer's account may be charged for benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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