

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CODY P GRIMES
Claimant

APPEAL NO: 14A-UI-07053-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF DES MOINES PAYROLL DEPT
Employer

OC: 06/08/14
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated June 26, 2014 (reference 01) regarding a separation from employment. A hearing was scheduled for August 14, 2014 at 2:00 p.m. Prior to the hearing being held, the appellant requested the appeal regarding the separation be withdrawn. Therefore, there is no need for a hearing on that issue. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made on behalf of the City of Des Moines Payroll Department (employer), the appealing party, to withdraw the appeal regarding the separation. It is understood that the employer is still pursuing its appeal of a decision regarding the allocation of vacation pay; that hearing will continue as scheduled on August 14, 2014.

REASONING AND CONCLUSIONS OF LAW:

Rule 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated June 26, 2014 (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing on the separation issues. The decision of the representative shall stand and remain in full force and effect. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css