

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WAGNER, DONNA, L
Claimant

APPEAL NO. 13A-UI-00709-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THOMAS L CARDELLA & ASSOCIATES INC
Employer

OC: 12/09/12
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Donna Wagner filed an appeal from the January 9, 2013, reference 01, decision that denied benefits based on agency conclusion that she had voluntarily quit without good cause attributable to the employer. A hearing was scheduled for March 25, 2013. Prior to the hearing being held, Ms. Wagner requested the appeal be withdrawn.

FINDINGS OF FACT:

Donna Wagner is the appellant. The appeal hearing is set for March 25, 2013. On March 13, 2013, Ms. Wagner, through counsel, faxed to the Appeals Section a written request to withdraw her appeal. The request was filed prior to the presentation of evidence in prior to the entry of a decision in connection with 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Ms. Wagner's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The Agency representative's January 9, 2013, reference 01, decision that disqualified the claimant for benefits shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css