

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CYNTHIA A MARSHALL**  
Claimant

**APPEAL NO: 10A-UI-01039-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IA DEPT OF JUDICIAL ADMINISTRATION**  
Employer

**OC: 12/13/09**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's January 12, 2010 decision (reference 01) that concluded the claimant was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A hearing was scheduled on March 2, 2010. Prior to the hearing, the employer made a request to withdraw the appeal. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

The employer withdrew its appeal from the representative's January 12, 2010 decision. The employer's withdrawal was faxed to the Appeals Section on February 3, 2010.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

**DECISION:**

The representative's January 12, 2010 decision (reference 01) is affirmed. The employer's withdrawal request is approved. As of January 12, 2010, the claimant remains qualified to receive unemployment insurance benefits provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs