

FINDINGS OF FACT:

The employer's representative, TALX, made a written request to withdraw the employer's appeal. The Appeals Section received the request on September 27, 2005.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 September 8, 2005 decision (reference 01) is affirmed. The employer's request to withdraw its appeal is approved. As of August 21, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/kjf