

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAUL F STOUT
Claimant

APPEAL NO. 08A-UI-00136-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 12/02/07 R: 02
Claimant: Appellant (6)

Section 96.5-2-a – Discharge
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Paul F. Stout (claimant) appealed a representative's December 26, 2007 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Hy-Vee, Inc. (employer) would not be charged because the claimant had been discharged for disqualifying reasons. A hearing was scheduled on January 22, 2008. Prior to the hearing, the claimant made a request to withdraw his appeal. Based on the claimant'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.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

On January 18, 2008, the claimant withdrew his appeal from the representative's December 26, 2007 decision. The claimant's withdrawal request was tape-recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's December 26, 2007 decision (reference 01) is affirmed. The claimant's withdrawal request is approved. As of December 2, 2007, the claimant remains disqualified from receiving unemployment insurance benefits. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw