

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL J BISSEN**  
Claimant

**APPEAL NO. 10A-UI-08033-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FARMLAND FOODS INC**  
Employer

**OC: 05/09/10**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the May 27, 2010, reference 01, decision that held that the claimant was eligible for unemployment insurance benefits. A telephone hearing was scheduled for July 20, 2010. The claimant was present personally. The employer was present by Becky Jacobson. Prior to taking testimony, the claimant said that he had been working ever since his termination and that he is scheduled to return to work for the employer in two weeks based on an agreement between the employer and the union. No benefits have been paid to the claimant and none have been charged to the employer. In view of these facts, the employer withdrew its appeal in this case.

**ISSUE:**

Whether the appellant should be permitted to withdraw its appeal.

**FINDINGS OF FACT:**

The administrative law judge, having reviewed the record, makes the following findings of fact: At the beginning of the hearing on July 20, 2010, the employer orally stated that it would withdraw its appeal because the claimant had not been paid any benefits and its account had not been charged. The claimant has been employed since his termination on May 7, 2010, and is due to be reinstated by the employer.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The request of the appealing party to withdraw the appeal is approved. The Agency representative's decision dated May 27, 2010, reference 01, shall stand and remain in full force and effect.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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