

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THOMAS D RIAK**  
Claimant

**APPEAL NO. 14A-UI-00867-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MARZETTI FROZEN PASTA INC**  
Employer

**OC: 12/22/13**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 14, 2014, reference 02, decision that allowed benefits to the claimant effective December 22, 2013, based on an agency conclusion that the claimant was able and available for work. A hearing was scheduled for February 14, 2014. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant. The appeal hearing was set for February 14, 2014. Prior to the hearing being held and prior to entry of a decision in connection with the appeal, the employer requested to withdraw the appeal in this matter and in a companion case. The request was made in writing and confirmed by recorded telephone call.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The employer's request to withdraw the appeal is approved. The Claims Deputy's January 14, 2014, reference 02, decision that found the claimant able and available for work and that allowed benefits to the claimant effective December 22, 2013, provided he was otherwise eligible, shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs