

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARK S SOKOLOWSKI
Claimant

APPEAL 16A-UI-00607-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES MOINES AREA COMM COLLEGE
Employer

**OC: 12/13/15
Claimant: Appellant (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 6, 2016, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit. A telephone hearing was scheduled for February 8, 2016 at 2:00 p.m. Prior to the scheduled hearing date, the appellant mailed in a written request asking that the appeal be withdrawn. The request was not received prior to the hearing so the appellant renewed his request on the record at the time of the hearing.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was submitted in writing, though it was not received prior to the hearing. The request was renewed on the record by the appellant on February 8, 2016 at 2:04 p.m.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 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 of the unemployment insurance decision dated January 6, 2016 (reference 01) is approved. That decision shall stand and remain in full force and effect.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/css