

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDGAR CALDERON
Claimant

APPEAL NO. 07A-UI-10824-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACTIVITY PACKAGING LLC
Employer

**OC: 08/19/07 R: 02
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Activity Packaging LLC (employer) appealed a representative's November 1, 2007 decision (reference 01) that concluded Edgar Calderon (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the employer did not file a timely protest. A hearing was scheduled for December 10, 2007. Prior to the hearing, the employer's representative, TALX, faxed a written request to withdraw the appeal. Based on the employer'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:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The employer withdrew its appeal from the representative's November 1, 2007 decision. The employer's withdrawal request was faxed on December 7, 2007.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 November 1, 2007 decision (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of August 19, 2007, provided he meets all other eligibility requirements. The employer's account may be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw