

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACQUELINE M ANDERSON**  
Claimant

**APPEAL NO: 17A-UI-06257-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROCK SERVICES LLC**  
Employer

**OC: 11/27/16**  
**Claimant: Respondent (6)**

Iowa Code Section 96.6(2) – Timeliness of Protest  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the June 7, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible, that held the employer's account could be charged for benefits, and that held the employer's protest could not be considered because it was untimely. A notice of hearing was mailed to the parties' last-known addresses of record for a telephone hearing to be held at 3:00 p.m. on July 10, 2017. The employer did not register a telephone number at which a representative could be reached for the hearing. The claimant also did not register a telephone number for the hearing. Prior to the hearing time, the employer requested that the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing is set for 3:00 p.m. on July 10, 2017. At 1:08 p.m. on July 10, 2017, the employer's representative of record, Equifax, faxed to the Appeals Bureau a request to withdraw the appeal. The request was submitted before a decision was entered in connection with the appeal.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge has reviewed the administrative file and concludes that the employer's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The June 7, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible, that held the employer's account could be charged for benefits, and that held the employer's protest could not be considered because it was untimely, remains in effect.

---

James E. Timberland  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

---

Decision Dated and Mailed

jet/rvs