

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYREL J ROETHLER
Claimant

APPEAL NO. 15A-UI-10160-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 08/16/15
Claimant: Appellant (6)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Tyrel Roethler filed a timely appeal from the September 1, 2015, reference 01, decision that disqualified him for benefits and that relieved the employer of liability for benefits, based on an Agency conclusion that he had been discharged on August 17, 2015 for misconduct in connection with the employment. Mr. Roethler requested an in-person hearing and an in-person is currently set for October 19, 2015, in Decorah. Prior to the hearing being held, the Mr. Roethler requested that the appeal be withdrawn.

FINDINGS OF FACT:

Tyrel Roethler is the claimant and appellant in this matter. Mr. Roethler requested an in-person hearing and an in-person is currently set for October 19, 2015, at the Workforce Development Center in Decorah. On October 14, 2015, the Appeals Section received from Mr. Roethler a faxed 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw the appeal is approved. The September 1, 2015, reference 01, decision that disqualified the claimant for benefits and that relieved the employer of liability for benefits, based on the August 17, 2015 discharge, shall remain in effect.

The in-person hearing previously set for October 19, 2015 in Decorah is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css