

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRITTANEY M BAKER**  
Claimant

**APPEAL NO. 11A-UI-05720-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 02/13/11**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Brittaney Baker filed an appeal from the March 28, 2011, reference 01, decision that denied benefits. A hearing was scheduled for May 23, 2011. Prior to the hearing being held, Ms. Baker requested the appeal be withdrawn.

**FINDINGS OF FACT:**

On May 18, 2011, claimant/appellant Brittaney Baker notified the administrative law judge during a recorded telephone call that she wished to withdraw her appeal because she had obtained new employment. Ms. Baker confirmed that no one had pressured her to withdraw the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The claimant's request to withdraw her appeal is approved. The Agency representative's March 28, 2011, reference 01, decision that denied benefits shall remain effect. The hearing set for May 23, 2011 is canceled.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css