

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER L KOESTER**  
Claimant

**APPEAL NO: 07A-UI-03724-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DICKEY DOOGAN'S ROADHOUSE GRILL**  
Employer

**OC: 03/04/07 R: 02**  
**Claimant: Respondent (6)**

871 IAC 26.8 (1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Dickey Doogan's Roadhouse Grill (employer) appealed a representative's April 4, 2007 decision (reference 02) that concluded Christopher L. Koester (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A hearing was scheduled on April 25, 2007. Prior to the scheduled hearing, the employer's representative contacted the Appeals Section and withdrew the employer's 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.

**FINDINGS OF FACT:**

On April 25, the employer's representative withdrew the employer's appeal from the April 4, 2007 decision (reference 02). The employer's withdrawal request was tape-recorded.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 April 4, 2007 decision (reference 02) is affirmed. The employer's withdrawal request is approved. As of March 4, 2007, the claimant remains qualified to receive unemployment insurance benefits provided he meets all other eligibility requirements. Since the employer is not one of the claimant's base period employers, the employer's account will not be charged during the claimant's current benefit year.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs