

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KOURTNEY N BOWERS

Claimant

APPEAL NO. 17R-UI-09311-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EGS CUSTOMER CARE INC

Employer

OC: 06/18/17

Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge

Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

This matter was before the administrative law judge based on the Employment Appeal Board remand in Hearing Number 17B-UI-07456. The employer filed an appeal from the July 13, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on June 16, 2017 for no disqualifying reason. The new appeal hearing was scheduled for October 3, 2017 and the parties were provided with proper notice of the hearing. Prior to the hearing being held, the employer/appellant requested that the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The new appeal hearing is set for October 3, 2017. The employer has requested to withdraw its appeal. On September 27, 2017, the employer, through its representative, Equifax, submitted a written request to withdraw the appeal. The request was filed before a decision had been entered on the merits of the appeal in response to the Employment Appeal Board remand.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 July 13, 2017, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on June 16, 2017 for no disqualifying reason, remains in effect. The appeal hearing set for October 3, 2017 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs