

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZACHARIAH D HENAMAN
Claimant

APPEAL NO: 12A-UI-14740-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MONSON & SONS INC
Employer

OC: 02/01/09
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's December 13, 2012 determination (reference 02) that did not disqualify the claimant as of November 5, 2012, after he did not accept an offer of work the employer offered him. A hearing was scheduled on January 16, 2013. The claimant did not respond to the hearing notice or participate in the hearing. He was working for the employer. Stacey Fox appeared on the employer's behalf. The employer withdrew its appeal before the hearing started because the claimant returned to work with the employer. 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:

The employer withdrew its appeal from a representative's December 13, 2012 determination (reference 02). The employer's January 16, 2013 withdrawal request was 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 this appeal is approved.

The employer is not a base period employer during the claim year established the week of February 1, 2009. The employer's account is not subject to any charges.

DECISION:

The representative's December 13, 2012 determination (reference 02) is affirmed. The employer's withdrawal request is approved. This means the claimant remains qualified to receive benefits as of November 5, 2012. The employer's account will not be charged during the claim year the claimant established during the week of February 1, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css