

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROSS L ONKEN
Claimant

EXPRESS SERVICES INC
Employer

APPEAL 17A-UI-11333-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/15/17
Claimant: Respondent (6)

Iowa Code § 96.6(3) – Previously Adjudicated
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from the representative's decision dated November 1, 2017 (reference 02) that found claimant was eligible to receive unemployment insurance benefits due to the separation from this employer being previously adjudicated and that the employer's account may be charged for benefits paid. A hearing was scheduled for November 22, 2017. On November 15, 2017, the appellant requested the appeal to be withdrawn. The hearing scheduled for November 22, 2017 at 11:05 a.m. is cancelled.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 tape-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 appellant has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the record and file herein and concludes that the request of the appealing party to withdraw the appeal should be approved. The hearing scheduled for November 22, 2017 at 11:05 a.m. is cancelled.

DECISION:

The decision of the representative dated November 1, 2017 (reference 02) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The hearing scheduled for November 22, 2017 at 11:05 a.m. is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs