

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAMON J TIBESAR**  
Claimant

**APPEAL NO: 11A-UI-13121-D**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA CITY TIRE & SERVICE**  
Employer

**OC: 08/21/11**

**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated October 3, 2011 (reference 06). A hearing was scheduled for November 28, 2011. At the time for the hearing, but in lieu of completing the hearing, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

A request has been made by Iowa City Tire & Service (employer), the appealing party, to withdraw the appeal. The reason for the request is that it has been confirmed to the employer that the employer's account is exempt from charge for benefits paid to the claimant, since the claimant established his claim effective August 21, 2011, pursuant to a requalification decision issued on September 16, 2011 (reference 03).

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The representative's decision dated October 3, 2011 (reference 06) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. The employer's account remains exempt from charge pursuant to the September 16, 2011 (reference 03) decision.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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