

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBRA R MUMMA**  
Claimant

**APPEAL NO. 13A-UI-03024-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OX YOKE INN INC**  
Employer

**OC: 02/03/13**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the March 8, 2013, reference 01, decision that allowed benefits effective February 3, 2013, based on an agency conclusion that the claimant was partially unemployed. A hearing was scheduled for April 10, 2013. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant. The appeal hearing is set for April 10, 2013. On April 3, 2013, the employer faxed a written request to withdraw the appeal. The requested was filed before the presentation of evidence and before entry of a decision in connection with the appeal.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the appealing party's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The Agency representative's March 8, 2013, reference 01, decision that allowed benefits and that held the employer's account could be charged shall remain in effect.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/pjs