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

MICHAEL D WILSON
Claimant

APPEAL NO. 14A-UI-03445-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STELLAR INDUSTRIES INC
Employer

**OC: 03/02/14
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Michael Wilson filed an appeal from the March 20, 2014, reference 01, decision that disqualified him for benefits and that relieved the employer of liability for benefits based on an agency conclusion that he had been discharged for misconduct in connection with the employment. A hearing was scheduled for April 21, 2014. Prior to the hearing being held, Mr. Wilson requested the appeal be withdrawn.

FINDINGS OF FACT:

Michael Wilson is the claimant and appealing party in this matter. The appeal hearing is set for April 21, 2014. Prior to the appeal hearing, Mr. Wilson requested that the appeal be withdrawn. Mr. Wilson's request to withdraw the appeal took place during a recorded telephone call with the administrative law judge. The request to withdraw the appeal was made before a decision had entered 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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 claimant's request to withdraw the appeal is approved. The Agency representative's March 20, 2014, reference 01, decision that disqualified the claimant for benefits and that relieved the employer of liability for benefits shall remain effect.

_____
James E. Timberland
Administrative Law Judge

_____
Decision Dated and Mailed

jet/pjs