

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINE M BARK
Claimant

APPEAL NO: 09A-UI-09050-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRIPROCESSORS INC
Employer

OC: 08/03/08
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Agriprocessors, Inc. (employer) appealed a representative's June 10, 2009 decision (reference 02) that concluded Christine M. Bark (claimant) remained qualified to receive benefits as of January 7, 2009, because the reasons for her employment separation did not disqualify her from receiving benefits. A hearing was scheduled on July 10, 2009. On July 8, the employer contacted the Appeals Section and withdrew its appeal this matter.

When this hearing was set up, the file should have set up as a EUCU claimant because the claimant filed for Emergency Unemployment Compensation benefits the week of December 7, 2008. 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 June 10, 2009 decision. The employer's July 8 withdrawal request was tape-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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 its appeal is approved.

DECISION:

The representative's June 10, 2009 decision (reference 02) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css