

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHIE M MAROLD
Claimant

APPEAL NO. 14A-UI-12255-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEDERAL EXPRESS CORP
Employer

OC: 10/26/14
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the November 20, 2014, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged, based on an Agency conclusion that the claimant has been discharged on October 26, 2014 for no disqualifying reason. A appeal hearing commenced on December 16, 2014, but had to be adjourned when the claimant belatedly asserted she had not received proper notice of the hearing and that the lack of proper notice negatively impacted her preparation for the hearing. Claimant Kathie Molder had participated on December 16. Suzanne Bassler of Equifax Workforce Solutions represented the employer on December 16 and presented testimony through Phillip Mathis and Todd Bell. The hearing was scheduled to recommence on was scheduled for January 9, 2015. Ms. Marold appeared at that time with Attorney Emily Anderson as an additional witness. The employer appeared through Ms. Bassler and Mr. Mathis. Prior to recommencing the presentation of evidence, Ms. Bassler requested on behalf of the employer that the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. On January 9, 2014, the employer requested that the appeal be withdrawn. The employer made its request through its representative, Suzanne Bassler, during a recorded discussion at the time set for commencement of the hearing. The employer made its request to withdraw the appeal prior to entry of a decision in connection with the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The employer's request to withdraw the appeal is approved. The November 20, 2014, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged, based on an Agency conclusion that the claimant has been discharged on October 26, 2014 for no disqualifying reason, shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css