

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SPENCER J SMALLWOOD
Claimant

APPEAL NO. 16A-UI-04928-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 04/03/16
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) – Discharge
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the April 27, 2016, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on an Agency conclusion that the claimant had been discharged on March 18, 2016 for no disqualifying reason. A hearing was scheduled for May 12, 2016 and the parties were provided with due notice. Claimant Spencer Smallwood was available. Steve Volle, Risk Manager, was available on behalf of the employer. At the start of the hearing the employer requested to withdraw the appeal.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing was set for May 12, 2016. At the start of the hearing, Steve Volle, Risk Manager, requested that the employer's appeal be withdrawn. The request was submitted before a decision was entered 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative file and concludes that the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The April 27, 2016, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on the March 18, 2016 separation, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs