

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIANNE J FORBES
Claimant

APPEAL NO. 11A-UI-01061-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THOMAS L CARDELLA & ASSOCIATES INC
Employer

**OC: 05/16/10
Claimant: Respondent (6)**

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

STATEMENT OF THE CASE:

The employer filed an appeal from the June 10, 2010, reference 01, decision that allowed benefits in connection with a May 19, 2010 discharge. After proper notice to the parties, a hearing was scheduled for February 23, 2011. Claimant appeared. Steve Brown appeared on behalf of the employer. At the start of the hearing, the employer/appellant requested to withdraw the appeal.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The employer appealed from the June 10, 2010, reference 01, decision that allowed benefits in connection with a May 19, 2010 discharge. A hearing was scheduled for February 23, 2011. At the start of the hearing, the employer/appellant requested to withdraw the appeal from the June 10, 2010, reference 01, decision. The request was made on the record, prior to presentation of evidence, and prior to entry of a decision regarding 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer/appellant's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw its appeal from the June 10, 2010, reference 01, decision is approved. The Agency representative's June 10, 2010, reference 01, decision that allowed benefits in connection with the May 19, 2010 discharge shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw