

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PHILIP H FUOSS**  
Claimant

**APPEAL NO. 11A-UI-13417-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 11/21/10  
Claimant: Respondent (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the October 4, 2011, reference 02, decision that held that the claimant was eligible for unemployment insurance benefits. A telephone hearing was scheduled for November 3, 2011. The claimant participated personally. The employer was present by Holly Carter, Unemployment Specialist.

**ISSUE:**

Whether the appellant should be permitted to withdraw its appeal.

**FINDINGS OF FACT:**

The administrative law judge, having reviewed the record, makes the following findings of fact: On November 3, 2011, the employer made an oral request to withdraw its appeal filed on October 11, 2011. The request was recorded by digital audiotape.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The request of the appealing party to withdraw the appeal is approved. The Agency representative's decision dated October 4, 2011, reference 02, shall stand and remain in full force and effect.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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