

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL D SWANK
Claimant

APPEAL NO. 11A-UI-13291-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

K MART CORP
Employer

OC: 09/11/11
Claimant: Respondent (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

K Mart Corporation filed a timely appeal from the September 30, 2011, reference 01, decision that allowed benefits. A hearing was scheduled for November 2, 2011. Prior to the hearing being held, the appellant requested that the appeal be withdrawn.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal filed October 7, 2011.

FINDINGS OF FACT:

The administrative law judge having considered all of the evidence in the record, finds: That a request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Agency representative's decision dated September 30, 2011, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved and the decision of the representative shall stand and remain in effect.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs