

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

DANIEL L KURTH
Claimant

APPEAL NO. 18A-UI-10110-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 09/09/18
Claimant: Respondent (6)

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

STATEMENT OF THE CASE:

The employer filed an appeal from the September 25, 2018, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that stated the employer's account could be charged for benefits, based on the Benefits Bureau deputy's conclusion that that claimant was discharged on August 28, 2018 for no disqualifying reason. A hearing was scheduled for October 22, 2018. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for October 22, 2018. On October 15, 2018, the employer submitted to the Appeals Bureau a written request to withdraw the appeal. 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge 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 September 25, 2018, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that stated the employer's account could be charged for benefits, based on the Benefits Bureau deputy's conclusion that that claimant was discharged on August 28, 2018 for no disqualifying reason, remains in effect. The hearing set for October 22, 2018 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs