

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIC SELLERS
Claimant

APPEAL NO. 12A-UI-04505-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAREWAY STORES INC
Employer

OC: 03/18/12
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Eric Sellers filed an appeal from the April 11, 2012, reference 01, decision that denied benefits. A hearing was scheduled for May 14, 2012. Prior to the hearing being held, Mr. Sellers requested the appeal be withdrawn.

FINDINGS OF FACT:

Claimant Eric Sellers is the appealing party in this matter. On May 8, 2012, Mr. Sellers spoke to the administrative law judge by telephone and requested to withdraw his appeal. The conversation was recorded. The request to withdraw the appeal came before the hearing had occurred and before a decision on the appeal had entered.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The claimant's request to withdraw the appeal is approved. The Agency representative's April 11, 2012, reference 01, decision that denied benefits shall remain effect. The hearing previously set for Monday, May 14, 2012 at 2:30 p.m. is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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