

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHEN H CHRISTENSEN
Claimant

APPEAL NO. 10A-UI-10134-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF DES MOINES
Employer

OC: 06/27/10
Claimant: Respondent (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the July 14, 2010, reference 01, decision that held that the claimant was on a short-term layoff and was considered able and available for work. A telephone hearing was scheduled for September 1, 2010. The claimant participated personally. The employer participated by Michael Carter, Human Resources Manager. Official notice is taken of agency records. The employer was asked the basis for the appeal and when the agency records concerning payment were disclosed, the employer stated that the appeal could be withdrawn. A voice recording was made of the entire conversation.

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 September 1, 2010, the employer made an oral request to withdraw its appeal filed on July 19, 2010.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 July 14, 2010, reference 01, shall stand and remain in full force and effect.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

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