

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GONZALEZ OROZCO, DAVID**  
Claimant

**APPEAL NO. 13A-UI-05237-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT PORK COMPANY**  
Employer

**OC: 04/14/13  
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

David Gonzalez Orozco filed an appeal from the May 1, 2013, reference 01, decision that denied benefits. A hearing was scheduled for June 6, 2013. Mr. Gonzalez Orozco appeared for the hearing. Luiz Meza appeared on behalf of employer. The Appeals Section had retained Spanish-English interpreter Rafael Geronimo to assist with the hearing. At the time set for the hearing, Mr. Gonzalez Orozco requested the appeal be withdrawn.

**FINDINGS OF FACT:**

David Gonzalez Orozco is the appellant in this matter. The appeal hearing was set for June 6, 2013 at 2:00 p.m. At the scheduled start of the hearing, Mr. Gonzalez Orozco requested to withdraw his appeal. Mr. Gonzalez Orozco advised that he had returned to working for the employer. The request to withdraw the appeal was made as part of a recorded telephone call prior to the presentation of evidence or entry of a decision in connection with the appeal.

Mr. Gonzalez Orozco is a fluent English speaker.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 May 1, 2013, reference 01, decision that disqualified the claimant for benefits shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs