

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

BERNARD EASTERLING
Claimant

APPEAL NO. 18A-UI-08414-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 12/31/17
Claimant: Respondent (6)**

Iowa Code Section 96.5(1) – Fulfillment of the Contract of Hire
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the August 2, 2018, reference 07, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits in connection with the claimant's June 27, 2018 separation from the employer. A hearing was scheduled for August 29, 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 Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 August 29, 2018. On August 22, 2018, the employer filed a written request to withdraw the appeal. The request was filed 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 August 2, 2018, reference 07, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits in connection with the claimant's June 27, 2018 separation from the employer, shall remain in effect. The hearing set for August 29, 2018 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs