

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICARDO BARRAGAN
Claimant

APPEAL NO. 11A-UI-10846-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST FLATBED REGIONAL INC
Employer

OC: 12/26/10
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated August 10, 2011, reference 02. A hearing was scheduled for September 13, 2011. Prior to the hearing being held, the appellant requested the appeal be withdrawn because the claimant did not file any weekly claims during the time when the employer was protesting his receiving benefits.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and was recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 unemployment insurance decision dated August 10, 2011, reference 02, is affirmed. The decision that claimant was not disqualified remains in effect but has no practical, effect because the claimant never filed a weekly claim.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw