

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES W WEYER
Claimant

MARK HUGHES CONSTRUCTION
Employer

APPEAL 18A-UI-09002-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a statement of charged for the second quarter of 2018 mailed to the employer on August 9, 2018. A hearing was scheduled for September 13, 2018 at 11:00 a.m. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit an oral request to withdraw his or her appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1).

Based on the documents in the appeal file and the applicable law, the request of the appealing party to withdraw the appeal should be approved.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

DECISION:

The statement of charges for the second quarter of 2018 mailed to the employer on August 9, 2018 is affirmed. The hearing scheduled for September 13, 2018 at 11:00 a.m. is cancelled.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs