

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**NICHOLAS L WHITTERS**  
Claimant

**WHITTERS LANDSCAPING INC**  
Employer

**APPEAL 18A-UI-07593-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Code § 96.6(2) – Timeliness of Protest  
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges

**STATEMENT OF THE CASE:**

An appeal was filed from a Statement of Charges dated July 16, 2018 for the first quarter of 2018. A hearing was scheduled for August 6, 2018. Prior to the hearing being held, the appellant requested the appeal be withdrawn.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 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:**

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 of the Statement of Charges dated July 16, 2018 for the first quarter of 2018 is approved, and that Statement of Charges, as it relates to this claimant, shall stand and remain in full force and effect. The hearing scheduled on August 6, 2018, at 1:00 p.m. is cancelled.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

src/scn