

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY J BARRIOS
Claimant

APPEAL NO. 12A-UI-03607-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING COMPANY LC
Employer

OC: 02/12/12
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the March 28, 2012, reference 03, decision that allowed benefits to the claimant and that concluded the employer's protest could not be considered because it was untimely. A hearing was scheduled for April 26, 2012. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

On April 19, 2012, the employer, through Thomas & Thorngren, faxed a written request to withdraw the employer's appeal. The request was received prior to the hearing date and prior to entry of a decision on the merits of the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw the appeal is approved. The Agency representative's March 28, 2012, reference 03, decision that allowed benefits to the claimant and that concluded the employer's protest could not be considered because it was untimely shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css