

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER J FERRELL
Claimant

APPEAL NO. 17O-UI-00135-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEO EXPERT INC
Employer

OC: 01/31/16
Claimant: Respondent (6)

Iowa Code section 96.6(2) – Timeliness of Protest
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

This matter was before the administrative law judge based on the Employment Appeal Board remand in Hearing Number 16B-UI-12057. The underlying claims deputy decision from which the employer appealed was the November 4, 2016, reference 03, decision that allowed benefits to the claimant provided she was otherwise eligible, that held the employer's account could be charged for benefits paid to the claimant, and that concluded the employer's protest had been untimely. Pursuant to the Employment Appeal Board's remand, a hearing was scheduled for February 2, 2017. Claimant Jennifer Ferrell and employer representative John Boorman appeared at the time of the hearing. At the start of the hearing, Mr. Boorman requested on behalf of the employer that the appeal and the protest be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The employer requested at the start of the February 2, 2017 that the appeal be withdrawn. The request to withdraw the appeal was submitted prior to entry of an administrative law judge decision in connection with the remand hearing set for February 2, 2017.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes that the employer's request to withdraw the appeal should be approved. Withdrawal of the appeal has the effect of withdrawing the employer's protest of the claim.

DECISION:

The employer's request to withdraw the appeal is approved. The November 4, 2016, reference 03, decision that allowed benefits to the claimant provided she was otherwise eligible, that held the employer's account could be charged for benefits paid to the claimant, and that held the employer's protest was untimely, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs

NOTE TO EMPLOYER:

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<https://www.myiowauui.org/UITIPTaxWeb/>.

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<http://www.iowaworkforce.org/ui/uiemployers.htm> and

http://www.youtube.com/watch?v=_mpCM8FGQoY