

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

LESLIE E CASON

Claimant

APPEAL NO. 19A-UI-00252-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PERSONNEL STAFFING GROUP LLC

Employer

OC: 11/25/18

Claimant: Respondent (6)

Iowa Code Section 96.5(1)(j) – Temporary Employment Separation
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the December 31, 2018, reference 03, decision that held the claimant was eligible for benefits provided he met all other eligibility requirements and that the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant's June 15, 2018 separation from the temporary employment firm was for good cause attributable to the employer. The appeal hearing has been rescheduled for February 4, 2019 to allow for due process submission and sharing of exhibits. However, prior to the rescheduled hearing date, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing has been rescheduled by agreement to February 4, 2019. On January 29, 2019, the employer submitted to the Appeals Bureau a written request to withdraw the appeal. The request was submitted before a decision was entered in connection with the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

The administrative law judge concludes that the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The December 31, 2018, reference 03, decision that held the claimant was eligible for benefits provided he met all other eligibility requirements and that the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant's June 15, 2018 separation from the temporary employment firm was for good cause attributable to the employer, shall remain in effect. The rescheduled appeal hearing set for February 4, 2019 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs