

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FAYE A PERRY
Claimant

APPEAL NO: 13A-UI-04080-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 03/03/13
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's April 1, 2013 determination (reference 01) that held the claimant eligible to receive benefits as of March 3, 2013, because even though she was working part time she was still able to and available for work. A hearing was scheduled on May 8, 2013. On May 1, 2013, the employer faxed a withdrawal request to the Appeals Section. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The employer withdrew an appeal from a representative's April 1, 2013 determination (reference 01). The employer faxed a written withdrawal request to the Appeal Section on May 1, 2013.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw the appeal is approved.

DECISION:

The representative's April 1, 2013 determination (reference 01) is affirmed. The employer's withdrawal request is approved. This means the claimant remains eligible to receive benefits as of March 3, 2013, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/tll