

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES P SMITH**  
Claimant

**APPEAL NO. 13A-UI-08712-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAINSTREAM LIVING INC**  
Employer

**OC: 06/23/13**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the July 24, 2013, reference 01, decision that allowed benefits provided the claimant was otherwise eligible and that held the employer's account could be charged for benefits. A hearing was scheduled for September 3, 2013. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing is set for September 3, 2013. On August 28, 2013, the employer faxed a written request to withdraw the appeal. The request was received before a decision was entered in connection with 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 July 24, 2013, reference 01, decision that that allowed benefits provided the claimant was otherwise eligible and that held the employer's account could be charged for benefits remains effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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