

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CECIL O TILLMAN
Claimant

APPEAL NO. 13A-UI-13381-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FLAGGER PROS USA LLC
Employer

OC: 11/03/13
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the representative's decision dated November 27, 2013, reference 01, which held that the claimant was eligible for unemployment insurance benefits. A telephone hearing was scheduled for December 26, 2013. The claimant did not respond to the hearing notice and therefore was not available at the time of the hearing. The administrative law judge had spoken to the employer and the employer's representative confirmed that the employer had not filed an appeal. The claimant had filed an appeal from a decision that was in his favor. After the employer was released, the claimant did call in for the hearing. The administrative law judge explained to him that he had filed an appeal from a decision that was in his favor. He agreed to withdraw his appeal.

ISSUE:

Whether the claimant should be permitted to withdraw his appeal.

FINDINGS OF FACT:

The administrative law judge, having reviewed the record, makes the following findings of fact: On December 26, 2013, the claimant made an oral request to withdraw his appeal filed on December 9, 2013. The claimant's request to withdraw his appeal was recorded by Clear 2there.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The request of the appealing party to withdraw the appeal is approved. The Agency representative's decision dated November 27, 2013, reference 01, shall stand and remain in full force and effect.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs