

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARYL E SOBOLIK
Claimant

APPEAL NO: 12A-UI-12026-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEATHERLITE INC
Employer

OC: 03/01/09
Claimant: Respondent (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a department decision dated October 3, 2012, reference 01, that held the claimant voluntarily quit with good cause on August 7, 2012, and which allowed benefits. A telephone hearing was scheduled for October 31, 2012. Prior to the scheduled hearing, the appellate/employer withdrew its appeal.

ISSUE:

Whether the withdrawal of appeal should be approved.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: After claimant filed his claim, an employer representative notified the department it was not protesting his claim. UI Appeals received an employer statement it was not appealing the decision but wished to correct some factual issues. Claimant's attorney received an employer communication it wanted to withdrawal 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes the employer's request to withdraw the appeal is approved. The administrative file record and professional communications are sufficient to establish the employer desires to withdraw the appeal.

DECISION:

The department decision dated October 3, 2012, reference 01, is affirmed. The employer's appeal is withdrawn and the decision claimant was not discharged for misconduct on August 7, 2012 remains in force and effect. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw