

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARWIN QUINONES
Claimant

APPEAL NO. 09A-UI-06851-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

**Original Claim: 04/05/09
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal
Iowa Code section 96.5(2(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

The employer filed an appeal from the April 24, 2009, reference 01, decision that allowed benefits. A hearing was scheduled for May 29, 2009. Prior to the hearing being held, the appellant requested the appeal be withdrawn. Tanya Box, Human Resources, represented the employer.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

A request has been made by the appealing party to withdraw the appeal. The request has been submitted by means of a recorded telephone call at the scheduled start of the hearing.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 April 24, 2009, reference 01, decision shall stand and remain in full force and effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw