

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY C TURNER
Claimant

APPEAL NO. 11A-UI-03204-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**DES MOINES REGIONAL TRANSIT
AUTHORITY**
Employer

**OC: 02/06/11
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the March 10, 2011, reference 01, decision that allowed benefits. An in-person hearing was scheduled for May 11, 2011. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

Hearing of this matter is set for May 11, 2011. The employer is the appellant. On May 3, 2011, the Appeals Section received the employer's written request to withdrawal the appeal. Attorney Douglas Fulton recently entered an appearance on behalf of the employer. Upon receiving the employer's written request to withdraw the appeal, the administrative law judge contacted Mr. Fulton's office and left a voice mail message on Mr. Fulton's voice mail box. The administrative law judge asked for a return telephone call from Attorney Fulton to confirm the withdrawal of the appeal. The administrative law judge did not hear back from Mr. Fulton. The employer's written request to withdrawal is dated April 28, 2011, is on DART letterhead and is signed by R.H. Ross, Human Resources Director.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The employer's request to withdraw the appeal is approved. The Agency representative's March 10, 2011, reference 01, decision that allowed benefits shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs