

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MERCEDES M DAVIS**  
Claimant

**APPEAL NO. 18A-UI-04445-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 08/06/17**  
**Claimant: Respondent (6)**

Iowa Code Section 96.5(1)(j) – Temporary Employment Separation  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the April 2, 2018, reference 04, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the Benefit Bureau Deputy's conclusion that the claimant's March 2, 2018 separation from the temporary employment firm was for good cause attributable to the employer. A hearing was scheduled for May 3, 2018. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 May 3, 2018. On April 27, 2018, the employer submitted a written request to withdraw its appeal. The request to withdraw the appeal was submitted before a decision was entered in connection with the appeal.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge concludes that the employer's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The April 2, 2018, reference 04, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the Benefit Bureau Deputy's conclusion that the claimant's March 2, 2018 separation from the temporary employment firm was for good cause attributable to the employer, shall remain in effect. The hearing set for May 3, 2018 is cancelled.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs