

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERICA J SHAW
Claimant

APPEAL NO. 07A-UI-07531-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

O'BRIEN, TERESA A
T OBRIEN ATTORNEY
Employer

OC: 06/03/07 R: 01
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Erica Shaw filed a timely appeal from the July 24, 2007, reference 02, decision that denied benefits. A hearing was scheduled for September 11, 2007. Ms. Shaw appeared for the hearing. Employer Teresa O'Brien appeared for the hearing and was represented by attorney Mayer Kanter. At the scheduled start of the hearing, the appellant requested the appeal be withdrawn. A hearing occurred on the companion file, Appeal Number 07A-UI-07532-JTT, with Ms. Shaw participating.

ISSUE:

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

FINDINGS OF FACT:

Erica Shaw was the appellant in this matter. At the scheduled start of the hearing, Ms. Shaw requested to withdraw her appeal in this matter. The administrative law judge discussed with Ms. Shaw her right to a hearing and the consequences of withdrawing the appeal. Ms. Shaw made an informed decision to withdraw the appeal in the matter.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Agency representative's July 24, 2007, reference 02, decision is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw