

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALICIA M MABERRY
Claimant

APPEAL NO: 12A-UI-11118-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 08/19/12
Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was set up from an unemployment insurance decision dated September 7, 2012, reference 01. A hearing was scheduled for October 9, 2012. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The Appeals Bureau mistakenly set up an appeal from a decision awarding benefits dated September 7, 2012, ruling the claimant's discharge was not for work-connected misconduct. No such appeal was actually filed.

A request has been made by the appealing party to withdraw the appeal. The request was submitted orally and was recorded.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 unemployment insurance decision dated September 7, 2012, reference 01, is affirmed.
The decision granting benefits remains in effect.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs