

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN M DAILEY
Claimant

APPEAL NO. 11A-UI-07415-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GLOBAL FOODS PROCESSING INC
Employer

OC: 11/07/10
Claimant: Respondent(6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 2, 2011, reference 03, decision that allowed benefits to the claimant and that relieved the employer of liability for benefits. A hearing was scheduled for June 29, 2011. At the beginning of the hearing, the employer withdrew the appeal.

FINDINGS OF FACT:

This case was set for hearing on June 29, 2011. The employer is the appellant. The decision from which the employer appealed relieved the employer of liability. After a brief discussion about the employer not being an aggrieved party for purposes of the June 2, 2011, reference 03 decision, the employer moved to withdraw the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved. The appeal rights and procedures set forth at Iowa Code § 96.6 presupposes and requires the existence of an aggrieved party. The employer is not an aggrieved party in connection with the Claims representative's June 2, 2011, reference 03, decision that allowed benefits to the claimant and that relieved the employer of liability for benefits.

DECISION:

The employer's request to withdraw the appeal is approved. The Agency representative's June 2, 2011, reference 03 decision that allowed benefits to the claimant and relieved the employer of liability for benefits shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs