

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JARED J KELLY
Claimant

APPEAL NO. 10A-UI-11310-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

VOLT MANAGEMENT CORP
Employer

OC: 07/04/10
Claimant: Respondent (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a department decision dated August 2, 2010, reference 01, that held the claimant was not discharged for misconduct on June 23, 2010, and that allowed benefits. A telephone hearing was scheduled for September 29, 2010. Prior to the conducting of the hearing, the employer withdrew its appeal.

ISSUE:

Whether the employer withdrawal of appeal should be approved.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The employer requested to withdraw its appeal and it was orally 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes the employer withdrawal of appeal is approved.

DECISION:

The department decision dated August 2, 2010, reference 01, is affirmed by the employer's withdrawal of appeal. The claimant was not discharged for misconduct on June 23, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw