

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANGEL J VICENTE
Claimant

PMX INDUSTRIES INC
Employer

APPEAL 18A-UI-07042-DG-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 06/03/18
Claimant: Respondent (6)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated June 25, 2018, (reference 01) that allowed benefits. A hearing was scheduled for July 17, 2018. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn. The motion was made orally by the employer's representative prior to taking testimony from the parties. The claimant did not object to employer's motion.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted verbally and has been recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 decision of the representative dated June 25, 2018, (reference 01) 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. The scheduled hearing is canceled.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/scn