

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEREMY R CHAMBERLIN**  
Claimant

**APPEAL NO. 16A-UI-06783-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WHIRLPOOL CORPORATION**  
Employer

**OC: 12/27/15**  
**Claimant: Respondent (6)**

Iowa Code Section 96.5(2)(a) - Discharge  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the June 7, 2016, reference 02, decision that allowed benefits to the claimant, provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on an agency conclusion that the claimant was discharged on May 11, 2016 for no disqualifying reason. A notice of hearing was mailed to the parties' last-known addresses of record for a telephone hearing to be held at 11:00 a.m. on July 6, 2016. Claimant Jeremy Chamberlain was available for the hearing. The employer representative and witness, Teresa Feldman, was not available at the telephone number the employer provided for the hearing and did not participate in the hearing. After the hearing record closed, but before the administrative law judge entered a decision, the administrative law judge received the employer written request to withdraw the appeal.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing was set for 11:00 a.m. July 6, 2016. The employer representative and witness, Teresa Feldman, was unavailable at the number the employer had registered for the hearing. At 11:11 a.m. on July 6, 2016, the employer's representative of record, Equifax, faxed a written request to withdraw the appeal. The administrative law judge received the request to withdraw the appeal after the hearing record closed at 11:15 a.m., but before the administrative law judge had entered a decision.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative file and concludes that the employer's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The June 7, 2016, reference 02, decision that allowed benefits to the claimant, provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on May 11, 2016 separation, shall remain in effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs