

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHELBY A BARGENQUAST**  
Claimant

**APPEAL NO. 17A-UI-07415-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AUTO CLUB SERVICES INC**  
Employer

**OC: 06/18/17**  
**Claimant: Respondent (6)**

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

**STATEMENT OF THE CASE:**

The employer filed an appeal from the July 14, 2017, reference 04, decision that allowed benefits to the claimant provided the claimant was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on June 28, 2017 for no disqualifying reason. A hearing was scheduled for August 8, 2017. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing is set for August 8, 2017. On July 25, 2017, the Appeals Bureau received the employer representative's mailed written request to withdraw the appeal. The request to withdraw the appeal was filed before a decision was entered in connection with the appeal.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 concludes that the appealing party's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The July 14, 2017, reference 04, decision that allowed benefits to the claimant provided the claimant was otherwise eligible and that held the employer's account could be charged for benefits, based on the claims deputy's conclusion that the claimant was discharged on June 28, 2017 for no disqualifying reason, remains in effect. The appeal hearing set for August 8, 2017 is cancelled.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs