

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
HUMBERTO U RODRIGUEZ Claimant	APPEAL NO: 09A-UI-09911-DWT
DES STAFFING SERVICES INC Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 05/10/09 Claimant: Respondent (6)

871 IAC26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

DES Staffing Services, Inc. (employer) appealed a representative's July 6, 2009 decision (reference 03) that concluded Humberto U. Rodriguez (claimant) was qualified to receive benefits because he completed a temporary job. A hearing was scheduled on July 28, 2009. Ike Rocha was present to interpret the hearing. At the time of the hearing, the employer withdrew its appeal in this matter. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The employer withdrew its appeal from the representative's July 6, 2009 decision. The employer's withdrawal request was tape-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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

DECISION:

The representative's July 6, 2009 decision (reference 03) is affirmed. The employer's withdrawal request is approved. As of May 19, 2009, the claimant remains qualified to receive unemployment insurance benefits provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged since the employer is not one of the claimant's base period employers.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs