

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL F THILL
Claimant

APPEAL NO. 110-UI-05937-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOCUS SERVICES LLC
Employer

**OC: 12/16/10
Claimant: Respondent (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a fact-finding decision dated January 18, 2011, reference 01. A hearing was scheduled for and held on March 1, 2011. ALJ Donner granted benefits to the claimant. The matter was appealed by the employer. On appeal, the Employment Appeal Board remanded the matter for a new hearing, since the employer had not participated. Pursuant to the remand order, a new hearing was scheduled for July 20, 2011. At the beginning of the hearing, the employer requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

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 was submitted at the start of the remand hearing. There is good cause to allow the employer to withdraw the appeal at this time.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 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 January 18, 2011, 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. Claimant is entitled to receive unemployment insurance benefits, provided eligibility requirements have been satisfied.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/css