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

ALEX C THIELEN
Claimant

APPEAL NO. 14A-UI-07301-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KIMBERLY CHRYSLER PLYMOUTH INC
Employer

OC: 10/13/13
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the July 7, 2014, reference 04, 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 had been discharged for no disqualifying reason. A hearing was scheduled for August 7, 2014. Prior to the hearing being held, the employer/appellant requested that the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for August 7, 2014. On August 5, 2014, the employer submitted a written request through its representative of record to withdraw the appeal. The request was submitted before a decision had been 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 appealing party's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The claim's deputy's July 7, 2014, reference 04, decision that that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits shall remain in effect.

_____
James E. Timberland
Administrative Law Judge

_____
Decision Dated and Mailed

jet/pjs