

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STACY L EBERLE**  
Claimant

**APPEAL NO: 11A-UI-01319-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FOUR OAKS INC OF IOWA**  
Employer

**OC: 10/31/10**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a representative's January 24, 2011 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged for nondisqualifying reasons. A hearing was scheduled on March 7, 2011. On February 25, the employer's representative made a request to withdraw the employer's appeal. 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 a representative's January 24, 2011 determination. The employer's withdrawal request was faxed to the Appeals Section on February 25, 2011.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 January 24, 2011 determination (reference 02) is affirmed. The employer's withdrawal request is approved. This means the claimant remains qualified to receive benefits as of October 31, 2010, provided she meets all other eligibility requirements. The employer's account is subject to charge

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs