

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ELIZABETH A TRIPP**  
Claimant

**APPEAL NO. 10A-UI-07100-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACC ENTERPRISES LLC**  
**CEDAR HEALTH**  
Employer

**Original Claim: 04/18/10**  
**Claimant: Respondent (6)**

Section 96.4(3) – Able & Available/Partial Unemployment  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the May 10, 2010, reference 01, decision that allowed benefits effective April 18, 2010 based on an Agency conclusion that the claimant was partially unemployed. A hearing was scheduled for June 30, 2010. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**ISSUE:**

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

**FINDINGS OF FACT:**

A request has been made by the appealing party to withdraw the appeal. The request has been submitted by means of a recorded telephone call on June 30, 2010, prior to the scheduled start of the hearing. Michael Blume, Administrator, made the request to withdraw the appeal. Claimant Elizabeth Tripp was present.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal is approved. The Agency representative's May 10, 2010, reference 01, decision that allowed benefits effective April 18, 2010 based on an Agency conclusion that the claimant was partially unemployed shall stand and remain in full force and effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw