

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIFFANY M HERNANDEZ
Claimant

APPEAL NO. 11A-UI-00468-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

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

Section 96.5(2)(a) – Discharge
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the January 4, 2011, reference 01, decision that allowed benefits. A hearing was scheduled for February 15, 2011. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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:

On February 11, 2011, the employer submitted a written request to withdraw its appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw its appeal is approved. The January 4, 2011, reference 01 decision that allowed benefits remains in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw