

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JASMINE S ROCHE**  
Claimant

**APPEAL NO: 07O-UI-02705-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BATH & BODY WORKS L.L.C.**  
Employer

**OC: 12/24/06 R: 03  
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's unemployment insurance decision dated January 18, 2007 (reference 03) that concluded Jasmine S. Roche (claimant/respondent) was eligible for unemployment insurance benefits after a separation from employment from Bath & Body Works, L.L.C. (employer/appellant). Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing to be held at 1:00 p.m. on April 3, 2007. The employer/appellant failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. The claimant participated in the hearing. After the hearing record was closed but prior to a decision being held, the employer/appellant sent in a request that its appeal be withdrawn. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

A request has been made on behalf of Bath & Body Works, L.L.C. (employer), the appealing party, to withdraw the 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The decision of the representative dated January 18, 2007 (reference 03) 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. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs