

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAMMY L SCHARLAT**  
Claimant

**APPEAL NO. 11A-UI-02753-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAGIC CIRCLE CORPORATION**  
**DIXIE CHOPPER**  
Employer

**OC: 01/02/11**  
**Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Tammy Scharlat filed an appeal from the March 1, 2011, reference 01, decision that denied benefits. A hearing was scheduled for March 29, 2011. Prior to the hearing being held, Ms. Scharlat requested the appeal be withdrawn.

**FINDINGS OF FACT:**

On March 28, 2011, claimant/appellant Tammy Scharlat contacted the administrative law judge by telephone and requested to withdraw her appeal. The telephone call was a recorded call. The appearing had not yet occurred and a decision on the appeal had not yet been entered.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The claimant's request to withdraw her appeal is approved. The Agency representative's March 1, 2011, reference 01, decision that denied benefits shall remain effect.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/css