

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL T CASTO
Claimant

APPEAL NO: 14A-UI-08168-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP LLC / DOLLAR GENERAL
Employer

OC: 04/06/14
Claimant: Appellant (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated July 19, 2014 (reference 04). A hearing was scheduled for August 28, 2014. At the time for the hearing, but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. 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 by Daniel T. Casto (claimant) the appealing party, to withdraw the appeal. The reason for his request is that subsequent to the issuance of the representative's decision he and the employer have resolved their differences; he has been reinstated to his employment and has been paid back pay for the period of time he was separated from the employment. Therefore, the hearing in this case is moot.

REASONING AND CONCLUSIONS OF LAW:

Rule 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 July 29, 2014 (reference 04) is affirmed. The request of the appealing party to withdraw the appeal is approved and there will be no hearing. The decision of the representative shall remain in full force and effect.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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