

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEVEN D OBRIEN**  
Claimant

**APPEAL NO. 11A-UI-00948-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**VANDER HAAGS INC**  
Employer

**OC: 12/12/10**  
**Claimant: Appellant (6)**

Section 96.5(1) – Voluntary Quit  
871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 13, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was set for February 23, 2011. Claimant appeared. Alicia Perez of Merit Resources appeared on behalf of the employer. Additional witnesses Lynn Feddersen and Mike Garvin also appeared. At the scheduled start of the hearing, the claimant/appellant requested to withdraw his appeal.

**ISSUE:**

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

**FINDINGS OF FACT:**

Claimant Steven O'Brien is the appellant. At the scheduled start of the hearing on February 23, 2011, Mr. O'Brien requested to withdraw his appeal. The request was made on the record, prior to the presentation of evidence or entry of a decision on 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the claimant/appellant's request to withdraw the appeal should be approved.

**DECISION:**

The claimant's request to withdraw the appeal is approved. The Agency representative's January 13, 2011, reference 02, decision that denied benefits shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/kjw