

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**GREGORIO G AGUILAR**  
Claimant

**TYSON FRESH MEATS INC**  
Employer

**APPEAL 17A-UI-10508-NM-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/10/17**  
**Claimant: Respondent (6)**

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Iowa Code §96.5(2)a – Discharge for Misconduct  
Iowa Code §96.5(1) – Voluntary Quit  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the October 4, 2017, (reference 04) unemployment insurance decision that allowed benefits. A telephone hearing was scheduled for November 1, 2017 at 2:00 p.m. Prior to the scheduled hearing, the appellant requested the appeal be withdrawn.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was submitted in writing and was verified by the appellant.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated October 4, 2017, (reference 04) is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on November 1, 2017, at 2:00 p.m. is canceled.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/rvs