CORTEZ D MCGHEE Claimant **TYSON FRESH MEATS INC** Employer	**APPEAL 20A-UI-09954-CL-T** **ADMINISTRATIVE LAW JUDGE** **DECISION** **OC: 04/26/20** **Claimant: Respondent (6)**

Iowa Code § 96.4(3) – Able and Available
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

On August 14**,** 2020**,** the employer appealed the unemployment insurance decision dated July 14, 2020 (reference 01) that allowed benefits. A hearing was scheduled for November 4, 2020. Prior to the hearing being held, the employer requested to withdraw the appeal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: Employer has requested to withdraw the appeal of the decision that allowed claimant unemployment insurance benefits. Employer submitted the request in writing.

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 (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

The administrative law judge has reviewed the records and files and concludes that employer's request to withdraw the appeal should be approved.

DECISION:

Employer's request to withdraw the appeal of the unemployment insurance decision dated July 14, 2020, (reference 01) that allowed claimant benefits is approved. The decision allowing claimant benefits shall stand and remain in full force and effect.

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Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

October 8, 2020_____
Decision Dated and Mailed

cal/sam