

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYLER D CARVER
Claimant

APPEAL NO. 10A-UI-04793-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING CO
Employer

**Original Claim: 02/21/10
Claimant: Respondent (6)**

871 IAC 26.8(1) – Withdrawal of Appeals

STATEMENT OF THE CASE:

An appeal was docketed based on a representative's decision dated March 19, 2010, reference 03. A hearing was scheduled for May 11, 2010. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made to withdraw the appeal. The request has been submitted orally and was recorded. The administrative law judge notes that Casey's Marketing Company had not filed an appeal, as the decision concerning Mr. Carver was fully favorable to the employer. The appeal was set up in error by Workforce Development.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The decision of the representative dated March 19, 2010, reference 03, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Benefits are denied until Mr. Carver has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw