

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARBARA A RILEY**  
Claimant

**APPEAL NO. 17A-UI-00491-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 12/18/16**  
**Claimant: Respondent (6)**

Iowa Code Section 96.6(2) – Timeliness of Protest  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 10, 2017, reference 02, decision that allowed benefits to the claimant provided She was otherwise eligible and that held the employer's account could be charged for benefits, based on an agency conclusion that the employer's protest was untimely. A hearing was scheduled for February 2, 2017. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer has requested to withdraw its appeal. The request was submitted before a decision entered in connection with the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The employer's request to withdraw the appeal is approved. The January 10, 2017, reference 02, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on an agency conclusion that the employer's protest was untimely, shall remain in effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs