

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY M HERGERT
Claimant

KUM & GO LC
Employer

APPEAL NO. 09A-UI-10262-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/09
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed from a representative's decision dated July 7, 2009, reference 02, that held the claimant was laid-off on November 28, 2008, and benefits are allowed. A hearing was scheduled for August 4, 2009. Prior to the hearing being held, the employer General Manager, Jeffrey Westberg, requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been recorded. Prior to going on the record, Manager Westberg stated the claimant was laid-off from employment, and there was no reason to conduct an appeal hearing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 July 7, 2009, reference 02, 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. The claimant was laid-off from employment on November 28, 2008. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs