

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TONYA G FULLER**  
Claimant

**APPEAL NO. 15A-UI-05331-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALL SMILES FAMILY DENTISTRY PLC**  
Employer

**OC: 03/22/15  
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 April 29, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible, that held the employer's account could be charged for benefits, and that held the employer's protest could not be considered because it was untimely. A hearing was scheduled for June 11, 2015. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing is set for June 11, 2015. On May 20, 2015, the employer, through counsel, submitted a written request to withdraw the appeal. The request was submitted before a decision had been 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 has reviewed the records and files herein and 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 April 29, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible, that held the employer's account could be charged for benefits, and that held the employer's protest could not be considered because it was untimely, shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs