

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA G HERNANDEZ
Claimant

APPEAL NO. 11A-UI-09066-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 07/04/10
Claimant: Respondent (6)

Section 96.5(1)(j) – Separation from Temporary Employment
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the July 5, 2011, reference 04, decision that allowed benefits in connection with a May 10, 2011 separation. A hearing was scheduled for August 2, 2011. Claimant appeared, as did employer representative, Jody Korleski. At the scheduled start of the hearing, the employer/appellant requested the appeal be withdrawn.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 employer is the appellant in this matter. At the scheduled start of the August 2, 2011 telephone hearing, employer representative Jody Korleski asked to withdraw the employer's appeal. The request was made as part of a recorded conference call.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The employer's request to withdraw the appeal is approved. The Agency representative's July 5, 2011, reference 04, decision that allowed benefits in connection with the May 10, 2011 separation shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw