

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBRA A SHAMBO**  
Claimant

**APPEAL NO. 15A-UI-06612-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY MEDICAL CENTER – CLINTON INC**  
Employer

**OC: 05/10/15**  
**Claimant: Respondent (6)**

Iowa Code section 96.5(2)(a) - Discharge  
871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the June 4, 2015, reference 01, 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 claimant had been discharged on May 11, 2015 for no disqualifying reason. A hearing was scheduled for July 16, 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 Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 was set for July 16, 2015 at 11:00 a.m. On the evening of July 15, 2015, the claimant faxed a document to the Appeals Section that suggested the employer had decided to withdraw its appeal. The document appeared to be signed by the employer representative, Maggie Callaghan, Human Resources Generalist. On the morning of July 16, 2015, the administrative law judge telephoned Ms. Callaghan to clarify whether the employer intended to proceed with the hearing or intended to withdraw the appeal. Ms. Callaghan erroneously believed that the claimant was the appellant. The administrative law judge clarified that the employer had appealed from a decision that allowed benefits to the claimant provided she was otherwise eligible. Ms. Callaghan advised the administrative law judge that the employer elected not to proceed with the appeal, rather than invest further time and energy in the matter. Ms. Callaghan confirmed that the employer had not been pressured in any way. The administrative law judge's telephone call with the employer representative was recorded. The employer's request to withdraw the appeal was made before a decision had 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 June 4, 2015, reference 01, 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 May 11, 2015 separation, shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs