

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN L THOMPSON
Claimant

APPEAL NO. 08A-UI-09816-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**BIG MIKE SUPER SUBS
MILIO'S SANDWICHES**
Employer

**OC: 08/31/08 R: 04
Claimant: Respondent (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from an unemployment insurance decision dated October 7, 2008, reference 01, that allowed benefits to the claimant. Due notice was issued for a hearing to be held in Dubuque, Iowa, on December 2, 2008. Prior to the date of the hearing, the employer requested that the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The employer, the appellant in this matter, has requested that the appeal be withdrawn.

REASONING AND CONCLUSIONS OF LAW:

A rule found at 871 IAC 26.8(1) allows the administrative law judge to grant an appellant's request for the withdrawal of its appeal. A review of all matters of record persuades the administrative law judge that it is appropriate to allow the withdrawal of this appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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.

DECISION:

The unemployment insurance decision dated October 7, 2008, reference 01, remains in effect as if no appeal had been filed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw