

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIA BALDWIN
Claimant

APPEAL NO. 09O-UI-08296-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PATHWAYS BEHAVIORAL SERVICES INC
Employer

**Original Claim: 03/08/09
Claimant: Appellant (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Julia Baldwin (claimant) appealed an unemployment insurance decision dated March 31, 2009, reference 01, which held that she was not eligible for unemployment insurance benefits because she was discharged from Pathways Behavioral Services, Inc. (employer) for work-related misconduct. Administrative Law Judge James Elliott conducted an initial hearing on this matter in appeal 09A-UI-05527-E2T, in which benefits were allowed. The employer appealed the decision indicating it did not participate due to lack of notice. The Employment Appeal Board remanded for a new hearing in an order dated June 9, 2009. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 25, 2009. Prior to the hearing being held, the employer requested its appeal to the Employment Appeal Board to be withdrawn.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 submitted verbally and it was tape-recorded.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 unemployment insurance appeal decision (09A-UI-05527-E2T) dated May 6, 2009, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of Administrative Law Judge James Elliott shall stand and remain in full force and effect.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw