

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER M TOBECK**  
Claimant

**APPEAL NO: 08A-UI-03730-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MILLARD REFRIGERATED SERVICES INC**  
Employer

**OC: 02/24/08 R: 03**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Millard Refrigerated Services, Inc. (employer) appealed a representative's April 4, 2008 decision (reference 02) that concluded Christopher M. Tobeck (claimant) was eligible to receive benefits for the week ending March 1, but was disqualified from receiving benefits as of March 2, 2008. A hearing was scheduled on May 1, 2008. The claimant did not participate at the hearing. Kevin Vanasten appeared on the employer's behalf and withdrew the employer's appeal because there was only one week of benefits at issue. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

The employer withdrew its appeal from a representative's April 4, 2008 decision. The employer's withdrawal request 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw its appeal is approved.

**DECISION:**

The representative's April 4, 2008 decision (reference 02) is affirmed. The employer's withdrawal request is approved. The claimant is eligible to receive benefits for the week ending March 1, but remains disqualified from receiving benefits as of March 2, 2008. This disqualification continues until the claimant has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs