

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL S SULKAZI
Claimant

APPEAL NO. 08A-UI-02872-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

OC: 02/17/08 R: 02
Claimant: Respondent (6)

871 IAC 26.8 (1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

USA Staffing, Inc. (employer) appealed a representative's March 14, 2008 decision (reference 01) that concluded Michael S. Sulkazi (claimant) was eligible to receive partial benefits because he was working part-time or on-call. A hearing was scheduled on April 8, 2008. Prior to the hearing, the employer's representative, Unemployment Insurance Services, withdrew the employer's appeal. 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.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The employer's representative withdrew the employer's appeal from the March 14, 2008 decision. The Appeals Section received the employer's written withdrawal request on March 27, 2008.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 March 14, 2008 decision (reference 01) is affirmed. The employer's withdrawal request is approved. As of February 17, 2008, the claimant remains eligible to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw