

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CAROLYNE T OLNES
Claimant

APPEAL NO. 21A-UI-13947-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 10/25/20
Claimant: Respondent (6)

Iowa Code Section 96.6(2) - Timeliness of Protest
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 4, 2021, reference 02, decision that allowed benefits to the claimant, provided the claimant met all other eligibility requirements, that held the employer's account could be charged for benefits, and that held the employer's protest could not be considered because it was untimely. A hearing was scheduled for August 13, 2021. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 is set for August 13, 2021. On July 20, 2021, the employer, through its representative of record, submitted a written request to withdraw the appeal. The request was submitted before the Administrative Law Judge entered a decision 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge concludes that the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The June 4, 2021, reference 02, decision remains in effect. The hearing set for August 13, 2021 is canceled.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

James E. Timberland
Administrative Law Judge

July 28, 2021
Decision Dated and Mailed

jet/ol