

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HARBECK, DANIEL, B**  
Claimant

**APPEAL NO. 13A-UI-03078-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEAN FOODS NORTH CENTRAL LLC**  
Employer

**OC: 02/03/13**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the March 1, 2013, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and held the employer's account could be charged for benefits. A hearing was scheduled for April 11, 2013. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant. An appeal hearing is set for April 11, 2013. On March 27, 2013, the employer faxed a request to withdraw the appeal. The withdrawal request was submitted on behalf of the employer by Thomas Kuiper of TALX. The withdrawal request was submitted prior to presentation of evidence or entry of a decision in connection with the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

**DECISION:**

The employer's request to withdraw the appeal is approved. The Agency representative's March 1, 2013, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and held the employer's account could be charged for benefits shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css