

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN P ZEIMET**  
Claimant

**APPEAL NO: 08-UI-03608-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAN KRUSE POINTIAC INC**  
Employer

**OC: 03/23/08 R: 04  
Claimant: Respondent (6)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

Dan Kruse Pontiac, Inc. (employer) appealed a representative's April 9, 2008 decision (reference 01) that concluded John P. Zeimet (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the employer had not filed a timely protest. A hearing was scheduled on April 29, 2008. The claimant appeared for the hearing with his union representative, Wayne Laufenberg. Jerry Elbert appeared on the employer's behalf. At the time of the hearing, the employer asked if the Appeals Section received the employer's withdrawal request that had been faxed late Monday. The administrative law judge had not been told about the withdrawal request before the hearing. The employer stated on the record that the employer withdrew its appeal in this matter. 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 9, 2008 decision. The employer's withdrawal request was faxed on April 28 and tape-recorded on April 29, 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 April 9, 2008 decision (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive unemployment insurance benefits as of March 23, 2008, provided he meets all other eligibility requirements. The employer's account may be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs