

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RHONDA K ANDERSON
Claimant

APPEAL NO. 12A-UI-05331-L

**ADMINISTRATIVE LAW JUDGE
DECISION**

MILLER PURCELL INC
MERCY FAMILY PHARMACY
Employer

OC: 04/08/12
Claimant: Appellant (6)

Iowa Admin. Code r. 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 1, 2012 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held on June 26, 2012 in Dubuque, Iowa. Claimant participated. Employer participated through director of ambulatory pharmacy Susan Purcell and co-manager pharmacist John Mulert and was represented by Jason Lehman, Attorney at Law. The hearing was adjourned and slated to be scheduled for the conclusion of testimony and evidence. Before the hearing concluded the appellant withdrew the appeal by recorded telephone conversation on July 11, 2012.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted verbally and has been 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated May 1, 2012 (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs