

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
DIVISION OF ADMINISTRATIVE HEARINGS
Wallace State Office Building
DES MOINES IOWA 50319

Appeal Number: 13IWD031

Respondent (6)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

This Decision Shall Become Final, as of the date of mailing stated below unless:

DAVID DICUS (EMPLOYEE)

1. Either party files a WRITTEN application for a rehearing WITHIN TWENTY (20) DAYS AFTER the date below. The written application must state the specific reasons for the rehearing and the relief sought. If the request for a rehearing is denied or if the rehearing decision is not satisfactory, either party may petition the District Court WITHIN THIRTY (30) DAYS of either action;
OR

**CDM LLC (OTHER INTERESTED PARTY)
d/b/a WINDOWS AMERICA
PO BOX 2143
SIOUX CITY IA 51104**

2. Either party may petition the District Court WITHIN THIRTY (30) DAYS after the date below.

**IOWA WORKFORCE DEVELOPMENT
RYAN DOSTAL, LEAD INVESTIGATOR
1000 EAST GRAND AVE.
DES MOINES, IA 50319**

YOU DO HAVE THE RIGHT TO HIRE A LAWYER at your own expense to represent you in these proceedings.

(Administrative Law Judge)

NICHOLAS OLIVENCIA, IWD
JOSEPH BERVID, IWD
AL STURGEON, ATTY

February 26, 2014

(Decision Dated & Mailed)

871 Iowa Administrative Code 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE

David Dicus (the employee) filed a timely appeal from a decision concerning whether an employer-employee relationship existed between Windows America and David Dicus, who performed services for Windows America.

Prior to the date of the hearing, the Mr. Dicus' attorney notified the undersigned administrative law judge that Mr. Dicus wished to withdraw his appeal.

Iowa Workforce Development regulations permit an appeal to be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer.¹

¹ 871 Iowa Administrative Code (IAC) 26.8(1).

DECISION

The employee's request to withdraw his appeal is approved and the appeal is deemed withdrawn.

jmp