

IOWA DEPARTMENT OF INSPECTIONS & APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

Appeal Number: 11IWD027

Claimant: Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**ANDREW STUTSMAN
STUTSMAN CONSTRUCTION
625 NORTH 1ST STREET
CARLISLE, IA 50047-7709**

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT
RUSS MUNSINGER, FIELD AUDITOR
1000 EAST GRAND AVENUE
DES MOINES, IA 50319-0209**

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

JOE BERVID, IWD
NICHOLAS OLIVENCIA, IWD
CARIE O'BRIEN, IWD
SUSAN DAMERON, IWD

(Administrative Law Judge)

September 10, 2012

(Dated and Mailed)

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

STATEMENT OF THE CASE

On November 15, 2010, Iowa Workforce Development (“IWD”) issued Notice of Employer Status and Liability to the appellant, Stutsman Construction, Inc., finding that the appellant was an employer with regard to individuals working for the appellant effective January 1, 2005, and therefore, liable for unemployment insurance tax contributions. On December 10, 2010, Andrew Stutsman, President, filed the present appeal.

IWD transferred the case to the Iowa Department of Inspections and Appeals, Division of Administrative Hearings, on December 3, 2011 to schedule a contested case hearing. After several joint continuances for settlement negotiations, hearing in the matter was set for September 10, 2012, at 8:30 a.m.

On September 7, 2012, counsel for IWD, Nicholas Olivencia issued a professional statement regarding settlement. The parties have settled the issues on appeal, and the appellant company withdraws its request to appeal the determination made by IWD. On September 10, 2012, the appellant company did not appear for the hearing in this matter, evidencing its intent to withdraw. IWD's rules allow an appellant to withdraw an appeal at any time prior to the issuance of a decision, with the approval of the administrative law judge. 871 IAC 26.8(1). The request to withdraw the appeal is granted.

DECISION

Stutsman Construction, Inc.'s request to withdraw this appeal is granted. This matter is deemed WITHDRAWN, and the hearing is vacated.

rhw