

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TREVOR HUBER
Claimant

APPEAL 21A-DUA-01037-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20
Claimant: Appellant (6)**

Iowa Code § 96.6(2) – Timeliness of Appeal
PL 116-136, Sec. 2102 – Pandemic Unemployment Assistance Benefits Eligibility
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 9, 2020, assessment for PUA benefits that determined he was eligible for the minimum PUA benefit amount. A telephone hearing was scheduled for April 19, 2021 at 8:00 a.m. During the hearing, the appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was made on the record after beginning this hearing. The claimant clarified he was not appealing the determination that he received the minimum weekly benefit amount for PUA. The claimant said he was appealing the overpayment decisions that gave rise to 21A-UI-05126-SN-T and 21A-UI-05122-SN-T.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(1) provides:

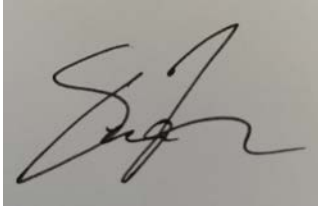
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

DECISION:

The request of the appealing party to withdraw the appeal of the assessment for PUA benefits dated December 9, 2020, is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on April 19, 2021, at 8:00 a.m. is canceled.

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to read 'Sean M. Nelson'.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

April 23, 2021
Decision Dated and Mailed

smn/scn