

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BARBARA J SMITH**  
Claimant

**AMERICAN NAILS**  
Employer

**APPEAL 19A-UI-10075-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/25/19  
Claimant: Respondent (6)**

Iowa Code § 96.19(18) – Definitions  
Iowa Admin. Code r. 871-23.19 – Employer-Employee and Independent Contractors  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On December 19, 2019, the employer appealed the unemployment insurance decision dated December 9, 2019 (reference 02) that allowed claimant benefits but did not charge employer for the benefits. A hearing was scheduled for January 10, 2020. Prior to the hearing being held, the administrative law judge explained the decision was favorable to both parties and employer withdrew the appeal. No hearing was held.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: Employer has requested to withdraw the appeal of the decision that allowed claimant benefits, but did not charge employer for those benefits. Employer submitted the request verbally and it was recorded by the administrative law judge.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

The administrative law judge has reviewed the records and files and concludes that employer's request to withdraw the appeal should be approved.

**DECISION:**

Employer's request to withdraw the appeal of the unemployment insurance decision dated December 9, 2019, that allowed claimant benefits, but did not charge employer for benefits, is approved. The decision allowing claimant benefits, but not charging employer for those benefits shall stand and remain in full force and effect.



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Christine A. Louis  
Administrative Law Judge  
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January 14, 2020  
Decision Dated and Mailed

cal/scn