

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TAMMIE A CHURCH
Claimant

WALGREEN CO
Employer

APPEAL NO. 22A-UI-00772-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/31/21
Claimant: Appellant (6)**

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant, Tammie Church (formerly known as Tammie Worley), filed an appeal from December 2, 2021 (reference 01) decision, which appeal the Appeals Bureau also erroneously docketed as a late appeal from the March 23, 2021 (reference 01) decision that denied benefits for the period beginning January 31, 2021, based on the deputy's conclusion that the claimant was unable to perform due to illness. A hearing was scheduled for January 31, 2022. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-00773-JTT. At the time of the hearing, the claimant requested that the appeal in the present matter be withdrawn.

ISSUE:

Should the appellant's request to withdraw the appeal from the March 23, 2021 (reference 01) decision should be granted.

FINDINGS OF FACT:

The claimant is the appellant in this matter. The Appeals Bureau erroneously set up an appeal in this matter from the March 23, 2021 (reference 01) decision. The claimant did not file an appeal from the reference 01 decision and did not intend to proceed with an appeal from the reference 01 decision. At the time of the hearing, the claimant requested that the appeal from the reference 01 decision be withdrawn and that the hearing proceed only on the companion appeal number, 22A-UI-00773-JTT concerning the claimant's appeal from the reference 02 decision. The claimant's request to withdraw the appeal in the present matter was submitted before the administrative law judge entered a decision in connection with the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the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

The administrative law judge concludes that the claimant's timely request to withdraw the appeal in the present matter from the reference 01 decision should be approved.

DECISION:

The claimant's request to withdraw the appeal in the present matter is approved. The March 23, 2021 (reference 01) decision that denied benefits for the period beginning January 31, 2021, based on the deputy's conclusion that the claimant was unable to perform due to illness remains in effect. Because the claimant only made one weekly claim, for the week that ended February 6, 2021, the reference 01 decision affects only that one week.



James E. Timberland
Administrative Law Judge

February 18, 2022
Decision Dated and Mailed

jet/mh