

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JUSTIN M FALLINE
Claimant

MENARD INC
Employer

APPEAL 17A-UI-07718-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/01/17
Claimant: Respondent (6R)

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:

The employer filed an appeal from the July 24, 2017 (reference 01) unemployment insurance decision that allowed benefits but also relieved the employer of charges. The parties were properly notified about the hearing. A telephone hearing was held on August 16, 2017. The employer participated through Matt Starkson. At the time of the hearing, Mr. Starkson withdrew the employer's appeal, due to the decision being favorable to both parties.

The claimant permanently separated from employment with this employer, effective March 7, 2017. That separation has not yet been determined at the claims level.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

REMAND: The permanent separation issue effective March 7, 2017 with this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The decision of the representative dated July 24, 2017, (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

REMAND: The permanent separation issue effective March 7, 2017 with this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs