

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**SERGIO E GONZALES**

Claimant

**APPEAL 21A-UI-17474-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOLT SALES AND SERVICE INC**

Employer

**OC: 05/02/21**

**Claimant: Respondent (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct

Iowa Code § 96.5(1) – Voluntary Quit

Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

PL 116-136 – Federal Pandemic Emergency Unemployment Compensation

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the July 29, 2021, (reference 03) unemployment insurance decision that allowed benefits. A telephone hearing was scheduled for September 30, 2021 at 1:00 p.m. Prior to the scheduled hearing date, the appellant requested the appeal be withdrawn.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 submitted in writing and was verified by the appellant.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated July 29, 2021, (reference 03) is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on September 30, 2021, at 1:00 p.m. is canceled.



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Stephanie Adkisson  
Administrative Law Judge  
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October 1, 2021  
Decision Dated and Mailed

sa/mh