

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NICLETTE MUKWA MBANGA**  
Claimant

**TYSON FRESH MEATS INC**  
Employer

**APPEAL 21R-UI-04678-AD-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 05/10/20**  
**Claimant: Appellant (6)**

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Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search  
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

**STATEMENT OF THE CASE:**

On October 14, 2020, Niclette Mukwa Mbanga (claimant/appellant) filed an appeal from the October 5, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 10, 2020.

A telephone hearing was set for December 11, 2020 at 2:30 p.m. Claimant was not available at the number registered at the time of the hearing. After waiting 15 minutes as a courtesy to claimant, the record was closed and a default decision was entered.

Claimant appealed the default decision to the Employment Appeal Board (EAB). The EAB remanded for a new hearing. That hearing was held on April 12, 2021. The parties were properly notified of the hearing. Claimant participated personally and with the assistance of a French-language interpreter. Employer's representative was not available at the number registered at the time of hearing. Appellant withdrew her appeal on the record.

**ISSUE:**

Whether the request to withdraw the appeal should be granted.

**FINDINGS OF FACT:**

The appellant requested to withdraw the appeal on the record during the hearing on April 12, 2021. Appellant withdrew her appeal after it was clarified that she had been granted Pandemic Unemployment Assistance (PUA) during the same period and in the same amount as the initial grant of regular, state unemployment insurance benefits. The administrative law judge notes this decision does not impact the allowance of PUA and that any overpayment of regular, state unemployment insurance benefits should be offset by the amount claimant is allowed for PUA.

**REASONING AND CONCLUSIONS OF LAW:**

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). An oral request must be tape-recorded by the presiding officer. *Id.*

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The appealing party's request to withdraw the appeal of the October 5, 2020 (reference 01) unemployment insurance decision that denied benefits as of May 10, 2020 is approved. That decision shall stand and remain in full force and effect.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
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April 15, 2021  
Decision Dated and Mailed

abd/scn