

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOHNATHAN CHEATEM
Claimant

AEROTEK INC
Employer

APPEAL NO. 20A-UI-06910-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the June 16, 2020, reference 03, decision that held the claimant was eligible for benefits, provided he meets all other eligibility requirements, and that the employer's account could be charged, based on the deputy's conclusion that the claimant was discharged on January 13, 2020 for no disqualifying reason. An appeal hearing was scheduled for July 30, 2020. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The hearing is set for July 30, 2020. On July 22, 2020, the employer's representative of record filed a written request to withdraw the employer's appeal. The request was filed 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The June 16, 2020, reference 03, decision that held the claimant was eligible for benefits, provided he meets all other eligibility requirements, and that the employer's account could be charged, based on the deputy's conclusion that the claimant was discharged on January 13, 2020 for no disqualifying reason, remains in effect. The hearing set for 8:00 a.m. on July 30, 2020 is cancelled.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

July 28, 2020
Decision Dated and Mailed

jet/scn