

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JARED BARNETT**  
Claimant

**AEROTEK INC**  
Employer

**APPEAL NO. 21A-UI-12293-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/28/21  
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 April 29, 2021, reference 01, decision that allowed benefits to the claimant, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on March 1, 2021 for not disqualifying reason. A hearing was scheduled for July 26, 2021. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted.

**FINDINGS OF FACT:**

The employer is the appellant. The appeal hearing is set for July 26, 2021. On June 25, 2021, the employer's representative of record, Thomas & Company, submitted a written request to withdraw the appeal. The requested 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 appealing party's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The April 29, 2021, reference 01, decision that allowed benefits to the claimant, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on March 1, 2021 for not disqualifying reason, remains in effect. The hearing set for July 26, 2021 is cancelled.

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

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James E. Timberland  
Administrative Law Judge

July 8, 2021  
Decision Dated and Mailed

jet/mh