

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

CHRISTINE K HENRICHSEN
Claimant

APPEAL NO: 20R-UI-04415-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PRESTAGE FOODS OF IOWA LLC
Employer

OC: 02/02/20
Claimant: Appellant (6)

Section 96.5-1 – Discharge/Misconduct
Section 96.3-7 – Recovery of Benefit Overpayment
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated February 26, 2020, reference 03. A hearing was scheduled for June 8, 2020. Prior to the hearing being held, the claimant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the claimant 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 claimant to withdraw her appeal should be approved.

DECISION:

The decision of the representative dated February 26, 2020, reference 03, is affirmed. The request of the claimant's party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Benefits are denied. The hearing scheduled for June 8, 2020, is cancelled.



Julie Elder
Administrative Law Judge

June 15, 2020
Decision Dated and Mailed

je/sam