

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**AYAK M KONGOR**  
Claimant

**APPEAL 22A-UI-05343-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SMITHFIELD FRESH MEATS CORP**  
Employer

**OC: 01/23/22**  
**Claimant: Appellant (6)**

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The appellant, Smithfield Fresh Meats Corporation, filed an appeal from the February 17, 2022, (reference 01) unemployment insurance decision that allowed benefits based upon the conclusion he was discharged for absences justified by his illness. A telephone hearing was scheduled for April 8, 2022 at 2:00 p.m. Prior to the scheduled hearing date, the appellant requested the appeal be withdrawn.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:

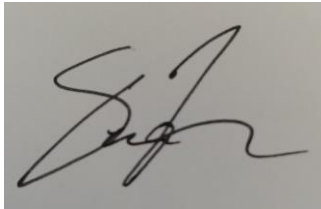
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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.

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated February 17, 2022, (reference 01) is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on April 8, 2022 at 2:00 p.m. is canceled.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is displayed within a rectangular box.

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Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 725-9067

April 14, 2022  
Decision Dated and Mailed

smn/mh