

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STERLING J NUZUM

Claimant

APPEAL NO. 21A-UI-19629-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC

Employer

OC: 07/04/21

Claimant: Respondent (6)

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the August 26, 2021, reference 01, decision that allowed benefits effective July 4, 2021, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but on a short-term layoff. A hearing was scheduled for October 27, 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 Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 in this matter. The hearing is set for October 27, 2021. On October 21, 2021, the employer's representative of record, Corporate Cost Control, submitted a written request on behalf of the employer to withdraw its appeal. The request 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 employer's timely request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The August 26, 2021, reference 01, decision that allowed benefits effective July 4, 2021, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but on a short-term layoff, remains in effect. The hearing set for October 27, 2021 is cancelled.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

James E. Timberland
Administrative Law Judge

November 2, 2021
Decision Dated and Mailed

jet/scn