

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MERRI C. KLINK**  
Claimant,

v.

**ENGLEBRECHT AND BUCHHOLZ, PLLC.**  
Employer.

**DIA APPEAL NO. 21IWDUI0198  
IWD APPEAL NO. 21A-UI-00077**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/23/20  
Claimant: Appellant (6)**

Iowa Code § 96.6(2), 96.4(3) – Timeliness of Appeal, Able to and Available for Work  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant, Merri Klink, filed an appeal from the November 17, 2020, (reference 04) unemployment insurance decision concluding she was not eligible for unemployment insurance benefits. A hearing was scheduled for February 11, 2021. Prior to the hearing, the appellant requested the appeal be withdrawn by written request that was received on February 6, 2021.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that:

A request has been made by the appealing party to withdraw the appeal. The request was submitted in writing to the Administrative Hearings Division on February 6, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 appellant has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the record and concludes that the request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The decision dated November 17, 2020, shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing scheduled for February 11, 2021 is cancelled.



Carla J. Hamborg  
Administrative Law Judge

February 8, 2021  
Decision Dated and Mailed

CJH/aa

CC: Merri C. Klink, Claimant (by first class mail)  
Englebrecht and Buchholz, PLLC., Employer (by first class mail)  
Nicole Merrill (email)  
Joni Benson (email)

*Note to Claimant:* If this decision determines you are not eligible for regular unemployment insurance benefits and if you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.