

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WAYNE E BUTLER
Claimant

GRAPETREE MEDICAL STAFFING INC
Employer

APPEAL 23A-UI-09440-DZ-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 08/13/23
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

Wayne E. Butler, the claimant/appellant,¹ appealed the Iowa Workforce Development (IWD) September 8, 2023 (reference 01) unemployment insurance (UI) decision. IWD denied Mr. Butler REGULAR (state) UI benefits as of August 13, 2023 because IWD concluded he is still employed with this employer in his on-call job in the same way he had been before he filed his UI claim. On October 9, 2023, the Iowa Department of Inspections, Appeals and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Mr. Butler and the employer for a telephone hearing scheduled for October 20, 2023.

The undersigned administrative law judge held a telephone hearing on October 20, 2023. Mr. Butler participated in the hearing personally. The employer participated in the hearing through Jennifer Carstens, human resources specialist. Mr. Butler withdrew his appeal on the record.

ISSUE:

Should Mr. Butler's request to withdraw his appeal be granted?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the undersigned administrative law judge finds: Mr. Butler requested to withdraw his appeal. Mr. Butler made his request verbally on the record during the October 20 hearing. The undersigned received the verbal request during the hearing.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw their appeal at any time before the administrative law judge issues a decision.² Mr. Butler requested to withdraw his appeal before the undersigned issued a decision. Based on the available record in this appeal, and consistent with the applicable statutes and rules, Mr. Butler's request to withdraw his appeal should be approved.

¹ Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

² Iowa Admin. Code r. 871-26.8(1).

DECISION:

Mr. Butler's request to withdraw his appeal of the September 8, 2023 (reference 01) UI decision is APPROVED. The September 8, 2023 (reference 01) UI decision stands and remains in full force and effect.



Daniel Zeno
Administrative Law Judge

October 23, 2023
Decision Dated and Mailed

DZ/jkb

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Avenue STE 100
Des Moines IA 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Avenue STE 100
Des Moines IA 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.