

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALFRED S MARTINEZ**  
Claimant

**APPEAL NO. 21A-UI-00253-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JOHN DEERE CONSTRUCTION  
EQUIPMENT**  
Employer

**OC: 10/13/19**  
**Claimant: Appellant (1)**

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence  
Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated November 17, 2020, reference 02. A hearing was scheduled for February 4, 2020. In the middle of the hearing the appellant requested the appeal be withdrawn.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The issue is whether the appeal should be withdrawn.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 appealing party to withdraw the appeal. The request has been submitted verbally.

Claimant has been able and available for work after the week ending July 25, 2020.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 appealing party to withdraw the appeal should be approved.

No hearing shall be held in this matter.

Claimant has been able and available for work after the week ending July 25, 2020.

**DECISION:**

The decision of the representative dated November 17, 2020, reference 02, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Claimant is not entitled to receive unemployment insurance benefits, until eligibility requirements have been satisfied. The hearing set for February 4, 2020 at 10:30 is hereby cancelled.



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Blair A. Bennett  
Administrative Law Judge

February 17, 2021  
Decision Dated and Mailed

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