

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ELIZABETH M MARTIN
Claimant

APPEAL NO. 21A-UI-14409-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SEQUEL YOUTH SERVICES
OF WOODWARD**
Employer

**OC: 03/14/21
Claimant: Appellant (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 claimant filed a timely appeal from the June 17, 2021, reference 02, decision that denied regular state benefits for the period beginning March 14, 2021, based on the deputy's conclusion that the claimant was not partially unemployed. After due notice was issued, a hearing was held on August 19, 2021. Claimant participated. Ronice Payne represented the employer. Jacob Atkins was available to testify, but did not testify. At the end of the claimant's testimony in chief, the claimant requested to withdraw the appeal in this matter. The hearing in this matter was consolidated with the hearing in Appeal Number 21A-UI-14408-JTT.

ISSUE:

Should the appellant's request to withdraw the appeal be granted.

FINDINGS OF FACT:

The claimant is the appellant in this matter. On August 19, 2021, the claimant and the employer appeared for and participated in an appeal hearing. Toward the end of the claimant's testimony in chief, the claimant requested to withdraw the appeal in this matter and proceed to a decision only in the companion appeal number. The claimant's request to withdraw the appeal followed a discussion between the claimant and the administrative law judge concerning the claimant's approval for Pandemic Unemployment Assistance (PUA) benefits for the same period at issue in the present matter. The request to withdraw the appeal was made before the evidentiary record closed and 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 is familiar with the administrative file pertaining to the claimant concludes that the claimant's timely request to withdraw the appeal in this matter should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The June 17, 2021, reference 02, decision that denied regular state benefits for the period beginning March 14, 2021, based on the deputy's conclusion that the claimant was not partially unemployed, remains in effect through the benefit week that ended June 5, 2021, the last week for which the claimant made a claim for benefits.

Withdrawal of the appeal in this matter has no negative impact on the claimant's eligibility for PUA benefits for the same period in question.



James E. Timberland
Administrative Law Judge

August 24, 2021
Decision Dated and Mailed

jet/ol