

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHLEEN W BENDER

Claimant

APPEAL 22R-UI-03435-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BARKER, EDWIN, BARKER, ETHEL

Employer

OC: 05/10/20

Claimant: Appellant (1)

Iowa Code § 96.19(38) – Total and Partial Unemployment
Iowa Admin. Code r. 871-24.23(26) – Same Hours and Wages
Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
Iowa Code §96.6(2) – Timely Appeal
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

Kathleen W Bender, the claimant/appellant, filed an appeal from the August 24, 2020 (reference 01) unemployment insurance (UI) decision that denied benefits as of May 10, 2020 because Ms. Bender was still employed in her job with this employer for the same hours and wages as in her original contract of hire. The parties were properly notified about the hearing. A telephone hearing was held on March 4, 2022. Ms. Bender participated personally. The employer participated through Melinda Miller, property administrator, and Jill Sparks, assistant property manager. The administrative law judge took official notice of the administrative record. Ms. Bender withdrew her appeal of the reference 01 decision on the record.

ISSUE:

Should Ms. Bender's request to withdraw her appeal of the reference 01 decision be granted?

FINDINGS OF FACT:

Ms. Bender requested to withdraw her appeal of the reference 01 decision on the record during the hearing on March 4, 2022.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). An oral request must be tape-recorded by the presiding officer. *Id.* Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, Ms. Bender's request to withdraw her appeal of the reference 01 decision should be approved.

DECISION:

Ms. Bender's request to withdraw her appeal of the August 24, 2020 (reference 01) unemployment insurance decision is approved. That decision shall stand and remain in full force and effect.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

April 5, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. BENDER:

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** To apply for PUA benefits,
 - First go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals>.
 - Go to the "WHAT TO EXPECT FROM THE HEARING" section.
 - Go to the last two sentences in that section.
 - The PUA application link is at the end of the second-to-last sentence of the section.
 - The reference number/authorization is the pin number you used for the March 4, 2022 appeal hearing: 103435.
- **If you do not apply for and are not approved for PUA, you will be required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **But, you can still apply for PUA benefits at the link above if you were unemployed for reasons related to COVID-19 between February 2, 2020, and June 12, 2021.**