

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JANEL K MCCAFFERY**  
Claimant

**DUBUQUE—HOLY FAMILY CATHOLIC**  
Employer

**APPEAL 21A-UI-05240-LJ-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (6)**

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Iowa Code § 96.19(38) – Total, Partial, and Temporary Unemployment  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On February 13, 2021, claimant Janel K. McCaffery filed an appeal from a representative's decision dated February 10, 2021 (reference 02). A telephonic hearing was scheduled for 10:00 a.m. on Tuesday, April 20, 2021. Prior to the hearing being held, the claimant, appellant requested the appeal be withdrawn.

**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 has been submitted verbally and has been recorded. The administrative law judge received claimant Janel K. McCaffery's verbal request to withdraw the appeal on Thursday, March 25, 2021. The administrative law judge had reviewed claimant's appeal and called claimant to explain to her that she had not received benefits for the one week ending April 4, 2020, due to reporting wages in excess of her weekly benefit amount plus fifteen dollars. Therefore, the unemployment insurance decision that found her ineligible for benefits for that week was limited in its impact. The administrative law judge confirmed that claimant had received no benefits for the week ending April 4, 2020, and therefore she had not been overpaid benefits for that week. At that point, claimant determined she would withdraw her appeal.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(1) provides:

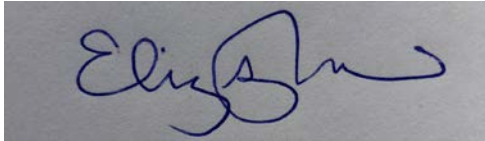
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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.

**DECISION:**

The decision of the representative dated February 10, 2021 (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.

The hearing scheduled for 10:00 a.m. on Tuesday, April 20, 2021, is canceled.

A handwritten signature in blue ink, appearing to read "Elizabeth A. Johnson", is written on a light-colored background.

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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

March 26, 2021  
Decision Dated and Mailed

lj/scn