

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JARVIS F TRESLER
Claimant

CARE INITIATIVES
Employer

APPEAL NO. 21A-UI-04334-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/08/20
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 22, 2021, reference 01, decision that allowed benefits, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant's November 9, 2020 discharge was not based on a current act of misconduct. A hearing was scheduled for April 7, 2021. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing is set for April 7, 2021. On April 5, 2021, the employer's representative of record, Alyce Smolsky of Equifax, emailed an employer request to withdraw the appeal. The request was submitted 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 concludes the employer's timely request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The January 22, 2021, reference 01, decision that allowed benefits, provided the claimant was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant's November 9, 2020 discharge was not based on a current act of misconduct, remains in effect. The hearing set for April 7, 2021 is cancelled.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

April 08, 2021
Decision Dated and Mailed

jet/ol