

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDON S MORRISON
Claimant

APPEAL 21A-UI-10937-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HARVEYS BR MANAGEMENT CO INC
Employer

OC: 04/05/20
Claimant: Respondent (6R)

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

STATEMENT OF THE CASE:

Harveys BR Management Co Inc, the employer/appellant, filed an appeal from the March 24, 2021, (reference 01) unemployment insurance decision that allowed benefits as of April 5, 2020. The parties were properly notified about the hearing. A telephone hearing was held on July 6, 2021. The employer participated through Mitchell Parker, human resources generalist and Tom Kuiper, hearing representative. Mr. Morrison participated and testified. Natasha Reed participated on behalf of Mr. Morrison. The employer withdrew its appeal on the record.

ISSUE:

Should the employer's request to withdraw its appeal be granted?

FINDINGS OF FACT:

The employer requested to withdraw its appeal on the record during the hearing on July 6, 2021.

Mr. Morrison's job ended with this employer in September 2020. The employer does not disagree with the decision from April 5, 2020, the effective date of the claim, through the end of Mr. Morrison's employment. The employer disputes Mr. Morrison's eligibility for benefits after his employment ended. The issue of Mr. Morrison's separation from employment has not been investigated by Iowa Workforce Development.

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, the employer's request to withdraw its appeal should be approved.

DECISION:

The employer's request to withdraw its appeal of the March 24, 2021 (reference 01) unemployment insurance decision is approved. That decision shall stand and remain in full force and effect.

REMAND:

The issue of Mr. Morrison's separation from employment with this employer is remanded to the Benefits Bureau of Iowa Workforce Development for investigation and a decision.



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

July 15, 2021
Decision Dated and Mailed

dz/mn