

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

AFTON E KIRK
Claimant

APPEAL NO. 21A-UI-07342-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD SAMARITAN SOCIETY INC
Employer

OC: 09/27/20
Claimant: Appellant (6)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated March 4, 2021, reference 02. A hearing was scheduled for May 20, 2021. At the beginning of the hearing being held, appellant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

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. Claimant was concerned with a two-week period she was awarded benefits prior to a job separation. There has been no decision denying her benefits during her employment. The decision in this matter denied benefits based on the job separation between the parties. As claimant has subsequently earned 10x her weekly benefit amount since the date of separation, she has requalified for benefits irrespective of the separation reasons.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

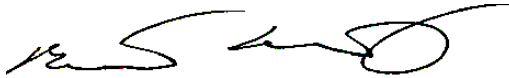
An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

No hearing shall be held in this matter.

DECISION:

The decision of the representative dated March 4, 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. Claimant is not entitled to receive unemployment insurance benefits, until eligibility requirements have been satisfied. The hearing set for May 20, 2021 at 4:00pm is hereby cancelled.



Blair A. Bennett
Administrative Law Judge

May 28, 2021
Decision Dated and Mailed

bab/scn