

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JANNA M ROBINSON**  
Claimant

**APPEAL NO. 22A-UI-07880-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PER MAR SECURITY & RESEARCH CORP**  
Employer

**OC: 11/14/21  
Claimant: Respondent (6R)**

Iowa Code Section 96.4(3) – Able & Available  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On March 24, 2022, the employer filed a timely appeal from the March 24, 2022 (reference 03) decision that allowed benefits to the claimant, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but on a short-time layoff. A hearing was scheduled for May 12. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The employer appealed a decision that dealt with whether the claimant was able to work, available for work, and on a short-term layoff. The employer's appeal references a discharge, rather than the able and available issues. There does not appear to be a Benefits Bureau decision that addresses the separation from the employment. Therefore, there would be no basis for an Appeals Bureau proceeding regarding a separation from employment. On May 11, 2022, the employer, through Valeu NSN, submitted a written request to withdraw the appeal in this matter. The request was made 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 that the employer's timely request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The March 24, 2022 (reference 03) decision that allowed benefits to the claimant, provided the claimant was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but on a short-time layoff remains in effect. The hearing set for May 12, 2022 at 2:00 p.m. is cancelled.

**REMAND:**

This matter is REMANDED to the Benefits Bureau for a fact-finding interview concerning the September 11, 2021 discharge, if appropriate.



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James E. Timberland  
Administrative Law Judge

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June 6, 2022  
Decision Dated and Mailed

jet/kmj