

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JUSTIN E ROGERS
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL NO. 21A-UI-17454-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/04/21
Claimant: Appellant (6)**

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

STATEMENT OF THE CASE:

The claimant, Justin Rogers, filed a timely appeal from the August 3, 2021, reference 01, decision that denied regular state benefits effective April 4, 2021. A hearing was scheduled for September 30, 2021 and the parties were appropriately notified. The claimant appeared at the time of the hearing. The employer appeared through Jessica Wade. Prior to the presentation of evidence, the claimant requested to withdraw his appeal.

ISSUE:

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

FINDINGS OF FACT:

The claimant is the appellant in this matter. The appeal hearing was set for September 30, 2021. At the start of the hearing, the administrative law judge provided the required opening statement, which included a statement of the issues set for hearing. The administrative law judge clarified that the issues set for hearing concerned the claimant's eligible for regular state benefits for the period between April 4, 2021 and June 12, 2021. The administrative law judge clarified that the issues set for hearing did not pertain to the claimant's eligibility for Pandemic Unemployment Assistance (PUA) benefits and that the August 3, 2021, reference 01, decision from which the claimant appealed did not adversely impact the claimant's eligibility for PUA benefits. The administrative law judge invited questions from the parties. After a brief discussion on the record, the claimant requested to withdraw the appeal, with the understanding that withdrawal of the appeal in this matter would not adversely impact his eligibility for PUA benefits for the period of April 4, 2021 through June 12, 2021 and with the understanding that the administrative law judge would grant a timely request to reopen the hearing record, if needed. The request to withdraw the appeal 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 the appealing party's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The August 3, 2021, reference 01, decision that denied *regular state benefits* for the period of April 4, 2021 through June 12, 2021, based on the deputy's conclusion that the claimant was not partially unemployed within the meaning of the law during that period, remains in effect.



James E. Timberland
Administrative Law Judge

October 1, 2021
Decision Dated and Mailed

jet/mn