

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ERIK I DIAZ
Claimant

O'REILLY AUTOMOTIVE INC
Employer

APPEAL 20A-UI-04350-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Respondent (6)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Employer/appellant filed an appeal to the May 14, 2020, (reference 01) decision that allowed benefits. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for June 8, 2020, at 1:00 p.m. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: The employer/appellant appealed the initial decision dated May 14, 2020 that allowed benefits.

A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

The hearing scheduled for June 8, 2020, is cancelled.

DECISION:

The employer/appellant's request to withdraw the appeal is approved.

The May 14, 2020 (reference 01) initial decision is affirmed. The claimant is allowed benefits.



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

June 17, 2020
Decision Dated and Mailed

jlb/scn