

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD D ELLIOTT

Claimant

APPEAL NO. 17A-UI-06277-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CONTINENTAL NEW METHOD COMPANY

Employer

OC: 05/21/17

Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 12, 2017, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be assessed for benefits, based on the claims deputy's conclusion that the claimant was discharged on May 18, 2017 for no disqualifying reason. A hearing was scheduled for July 10, 2017 and the parties were properly notified. On July 10, 2017, claimant Chad Elliott and the employer business owner, Dan Aldridge appeared at the time of the hearing. At that time, Mr. Aldridge indicated that the employer's primary witness, Maggie Brandt, was not available for the hearing because she was out of the country in connection with a family member's death. The administrative law judge found good cause to postpone the hearing and rescheduled the hearing, by agreement of the parties, to July 25, 2017. Prior to the rescheduled hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The rescheduled appeal hearing is set for July 25, 2017. On July 20, 2017, the employer submitted a written request to withdraw the appeal. The request is signed by Dan Aldridge and Maggie Brandt. The request to withdraw the appeal was submitted before a decision was entered 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 appealing party's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The June 12, 2017, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be assessed for benefits, based on the claims deputy's conclusion that the claimant was discharged on May 18, 2017 for no disqualifying reason, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs