

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**KYLE L ANDERSON**  
Claimant

**BRANDFX LLC**  
Employer

**APPEAL NO: 20A-UI-09990-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (6)**

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

**STATEMENT OF THE CASE:**

Kyle Anderson filed a late appeal from the July 30, 2020, reference 01, decision that denied regular unemployment insurance benefits effective March 22, 2020, based on the deputy's conclusion that Mr. Anderson requested and was granted a leave of absence, was voluntarily unemployed and was unavailable for work. A notice of hearing was mailed to the parties' last-known addresses of record for a telephone hearing to be held at 9:30 a.m. on October 5, 2020. Mr. Anderson appeared. The employer appeared through Tammy Birchard. At the time of the hearing, Mr. Anderson requested to withdraw his appeal.

**FINDINGS OF FACT:**

Claimant Kyle Anderson is the appellant in this matter. The hearing in this matter was set for 9:30 a.m. on October 5, 2020 through the hearing notice that was mailed to his last-known address of record on September 15, 2020. Though Mr. Anderson did not receive the appeal hearing notice, the employer alerted him to the hearing and Mr. Anderson appeared for the hearing. The employer also appeared through Tammy Birchard. During the opening statement, and prior to the presentation of evidence, the administrative law judge engaged the parties in a discussion regarding the September 3, 2020 Assessment for PUA Benefits decision that allowed Pandemic Unemployment Assistance (PUA) benefits to Mr. Anderson for the period beginning March 22, 2020, provided he was otherwise eligible. At the conclusion of that discussion, Mr. Anderson requested to withdraw his appeal from the July 30, 2020, reference 01, decision that denied *regular* unemployment insurance benefits effective March 22, 2020. 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 that Mr. Anderson's request to withdraw the appeal should be approved.

**DECISION:**

The appeal is withdrawn. The July 30, 2020, reference 01, decision that denied *regular* unemployment insurance benefits effective March 22, 2020, based on the deputy's conclusion that the claimant requested and was granted a leave of absence, was voluntarily unemployed and unavailable for work, remains in effect.

This decision does nothing to disturb the September 3, 2020 Assessment for PUA Benefits that allowed Pandemic Unemployment Assistance (PUA) benefits for the period beginning March 22, 2020, provided the claimant was otherwise eligible.



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James E. Timberland  
Administrative Law Judge

October 6, 2020  
Decision Dated and Mailed

jet/scn