

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SARAH BIVER
Claimant

APPEAL 20A-UI-12641-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HEALTH SERVICES IOWA CORP
Employer

**OC: 04/26/20
Claimant: Respondent (6)**

Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.23(26) – Availability Disqualifications Same Hours and Wages
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the September 29, 2020, (reference 01) unemployment insurance decision that allowed partial unemployment insurance benefits. A telephone hearing was scheduled for November 24, 2020 at 3:00 p.m. Prior to the scheduled hearing date, the appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was submitted in writing and was verified by the appellant.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

DECISION:

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated September 29, 2020, (reference 01) is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on November 24, 2020, at 3:00 p.m. is canceled.



Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

December 2, 2020
Decision Dated and Mailed

sea/scn