

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROGER E WEGMULLER
Claimant

APPEAL 19A-UI-03943-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/20/18
Claimant: Appellant (6)

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 1, 2019, (reference 09) unemployment insurance decision that allowed benefits. Because the issue appealed was resolved in the appellant's favor (see the reference 09 representative's decision), no testimony was necessary and no hearing was scheduled.

ISSUE:

Should the appeal be dismissed because the issue on appeal was resolved in the appellant's favor?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant appealed the reference 09 decision. The reference 09 decision allowed benefits and was favorable to claimant.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

Inasmuch as the agency allowed benefits in the reference 09 decision, the decision was favorable to claimant. There is no issue for the administrative law judge to adjudicate.

DECISION:

The appeal of the May 1, 2019, (reference 09) unemployment insurance decision is dismissed as the decision was in claimant's favor. Benefits are allowed, provided the claimant is otherwise eligible.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn