

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CARL E CASSIDAY
Claimant

APPEAL 19A-UI-06929-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/02/19
Claimant: Appellant (6)**

Iowa Code § 96.3(5)b – Training Extension Benefits
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:

The claimant/appellant, Carl E. Cassiday, filed an appeal from the August 22, 2019 (reference 04) unemployment insurance decision that denied his request for training extension benefits (TEB). Notice of the hearing was mailed to the claimant's last known address of record for a telephone hearing to be held at 2:05 p.m. on September 25, 2019. At the time of the hearing, the claimant/appellant requested the appeal be withdrawn.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: A request has been made by the appealing party to withdraw the appeal. The request was made verbally and recorded through the Appeals Bureau's conference call system at the time of the scheduled hearing. Consequences of withdrawing the appeal were explained to the claimant before the administrative law judge would accept the withdrawal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 scheduled hearing for September 25, 2019 is cancelled.

DECISION:

The decision of the representative dated August 22, 2019, (reference 04) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn