

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARIAH S NELSON
Claimant

CARE INITIATIVES
Employer

APPEAL 22A-UI-05837-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/30/22
Claimant: Respondent (6R)**

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the employer/appellant from the Iowa Workforce Development representative's decision dated March 1, 2022 (reference 02) that found the claimant was eligible for unemployment insurance benefits and that the employer would not be charged for benefits paid. A hearing was scheduled for April 15, 2022 at 9:00 a.m. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn on the record.

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 has been submitted on the record on April 15, 2022. The employer purported that it intended to report a permanent separation from employment and not an appeal to this decision. The matter of whether the claimant's permanent separation from employment with this employer is disqualifying shall be remanded to the Benefits Bureau for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

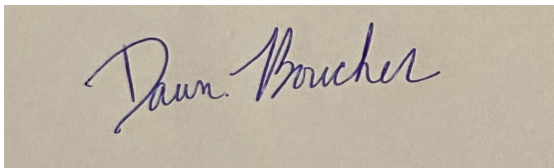
The appellant/employer has made a request on the record to withdraw the appeal. The administrative law judge has reviewed the record and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated March 1, 2022 (reference 02) that found the claimant was eligible for benefits and that this employer would not be charged for benefits paid shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing scheduled for April 15, 2022 is cancelled.

REMAND:

The issue of whether the claimant's permanent separation from employment with this employer is disqualifying is remanded to the Benefits Bureau for an initial investigation and determination.



Dawn Boucher
Administrative Law Judge

April 19, 2022
Decision Dated and Mailed

db/db