

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**JOSHUA S SIMAR**  
Claimant

**FERRARA CANDY COMPANY**  
Employer

**APPEAL 17A-UI-06966-JCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/18/17**  
**Claimant: Respondent (6R)**

---

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:**

An appeal was filed by the employer from a representative's decision dated July 7, 2017, (reference 01). A hearing was scheduled for July 27, 2017. At the time of the hearing, Joan Kusek, interim human resources manager, and the claimant appeared.

The employer withdrew its appeal on the record and both parties clarified the timeline of employment: The claimant worked for Advance Services Inc. on assignment at Ferrara Candy Company from September 2016 until December 4, 2016. That separation was addressed in the reference 02 decision. The claimant then worked for Ferrara Candy Company from December 5, 2016 until June 12, 2017. The employer withdrew its appeal to the reference 01 decision, and is the case at hand. The claimant then returned to work at Advance Services Inc., on assignment at Ferrara Candy Company from June 30, 2017 until July 12, 2017. The claimant has since been permanently separated from employment. That separation has not yet been determined at the claims level.

**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 recorded on the Clear2There hearing system.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case

is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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 July 27, 2017 is cancelled.**

**DECISION:**

The decision of the representative dated July 7, 2017, (reference 01) 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.

**REMAND:** The separation issue for the period of employment with employer, Advance Services Inc., (from June 30 to July 12, 2017) is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

---

Jennifer L. Beckman  
Administrative Law Judge

---

Decision Dated and Mailed

jlb/scn