

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARVEE J SMITH
Claimant

ADVANCE SERVICES INC
Employer

APPEAL 19A-UI-01953-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/08/18
Claimant: Respondent (6R)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated March 4, 2019, (reference 04). A hearing was scheduled for March 21, 2019. Prior to the hearing being completed, the appellant requested the appeal be withdrawn.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 has been submitted verbally and has been recorded.

The employer alleges a separation of employment has taken place that has not yet been adjudicated by the unemployment insurance services center.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit an oral request to withdraw his or her appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1).

Based on the documents in the appeal file and the applicable law, the request of the appealing party to withdraw the appeal should be approved.

REMAND:

The issue as to whether the claimant has been separated from this employer is remanded to the unemployment insurance service center for an initial review and determination.

DECISION:

The decision of the representative dated March 4, 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs