



**REASONING AND CONCLUSIONS OF LAW:**

486 IAC 3.1(15) provides:

*Withdrawal of appeal.* Any appeal may be withdrawn by the appellant, by written request, anytime before a decision is issued by the appeal board. If a request is made, the appeal shall be dismissed. ***An appeal so dismissed may be reinstated by the appeal board*** if the appellant files a written request to reinstate and shows that the request for withdrawal resulted from misinformation given by the workforce development department, unemployment insurance division, or ***for other good cause shown, as determined by the appeal board.*** A request for reinstatement shall be made within 60 days after the mailing of the decision dismissing the appeal or, in the event of fraud, within 60 days after discovery of the fraud.

The Claimant has established she did not intend to withdraw her appeal, and forego a hearing on the merits of her claim. Rather, she simply sought clarification of the appeals process in which she experienced difficulty in resolving based on her many conversations with Iowa Workforce Development. For this reason, the Board shall reinstate the Claimant's appeal and remand this matter for a hearing before an administrative law judge so that the Claimant may avail herself of her due process right.

**DECISION:**

The administrative law judge's decision dated August 24, 2021 is **REVERSED & REMANDED**; however, it is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this decision. This matter is remanded to an administrative law judge in the Workforce Development Center, Appeals Section. The administrative law judge shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

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James M. Strohman

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Ashley R. Koopmans

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Myron R. Linn