

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EMILY SCHLATER
Claimant,

v.

**IA WESTERN COMMUNITY COLLEGE
MERGED AREA**
Employer.

**DIA APPEAL NO. 22IWDUI0017
IWD APPEAL NO. 21A-UI-16379**

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/06/20
Claimant: Appellant (6)**

Iowa Code § 96.5(2)A, 96.5(1) – Layoff, Discharge for Misconduct, Voluntary Quit
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant/appellant, Emily Schlater, filed an appeal from the July 22, 2021, (reference 04) unemployment insurance decision that concluded she was not eligible for unemployment insurance benefits. A hearing was scheduled for September 8, 2021. Prior to the hearing being held, the appellant requested the appeal be withdrawn by written request that was received on August 28, 2021.

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 submitted in writing to the Administrative Hearings Division on August 28, 2021.

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:

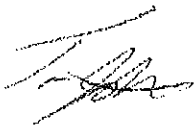
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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 has made a request in writing 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 dated July 22, 2021, 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 September 8, 2021 is cancelled.



Tricia A. Johnston
Administrative Law Judge
Department of Inspections and Appeals
Administrative Hearings Division
515-725-4140

August 30, 2021

Decision Dated and Mailed

TAJ/

CC: Emily Schlater, Claimant (by first class mail)
IA Western Community College Merged Area, Employer (by first class mail)
Nicole Merrill (AEDMS)
Joni Benson (AEDMS)

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and if you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

Case Title: SCHLATER V. IA WESTERN COMM COLL MERGED AREA
Case Number: 22IWDUI0017
Type: Order - Withdrawal

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Tricia Johnston', is written over a horizontal line.

Tricia Johnston, Administrative Law Judge