

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

RICEEHA L EVANS
Claimant

APPEAL NO. 18A-UI-02041-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARKETLINK INC
Employer

OC: 01/14/18
Claimant: Appellant (6)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Riceeha Evans filed a late appeal from the February 1, 2018, reference 01, decision that disqualified her for benefits and that relieved the employer's account of liability, based on the Benefits Bureau deputy's conclusion that Ms. Evans was discharged on January 15, 2018 for excessive unexcused absences. A hearing was scheduled for March 9, 2018 and the parties were appropriately notified of the hearing. Ms. Evans appeared by telephone at the time set for the hearing. The employer appeared through Kassie Seals and Kim Pasick. At the start of the hearing, Ms. Evans requested to withdraw her appeal.

FINDINGS OF FACT:

Claimant Riceeha Evans is the appellant in this matter. At the time set for the hearing, Ms. Evan's requested to withdraw her appeal. The request was made on the record at the start of the recorded telephone hearing. The request was made before a decision had been entered in connection with the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 administrative law judge concludes that the appealing party's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The February 1, 2018, reference 01, decision that disqualified the claimant for benefits and that relieved the employer's account of liability, based on the Benefits Bureau deputy's conclusion that the claimant was discharged on January 15, 2018 for excessive unexcused absences, shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs