

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TIFFANI S MCNEAL
Claimant

APPEAL 20A-UI-01457-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PILOT TRAVEL CENTERS LLC
Employer

OC: 01/12/20
Claimant: Respondent (6)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.19(38) – Total and Partial Unemployment
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 February 11, 2020, (reference 04) which found the claimant was on a short-term layoff. A hearing was scheduled for 10:00 a.m. on March 5, 2020. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 in writing on February 26, 2020.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 administrative law judge has reviewed the record and file herein and concludes that the request of the appealing party to withdraw the appeal should be approved. **The scheduled hearing for March 5, 2020 at 10:00 a.m. is cancelled.**

DECISION:

The decision of the representative dated February 11, 2020 (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.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn