

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERRENCE W DONAHOE
Claimant

THEISENS INC
Employer

APPEAL 21A-UI-04039-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/15/20
Claimant: Appellant (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the claimant from the Iowa Workforce Development representative's decision dated January 15, 2021 (reference 01) that found the claimant was not eligible for benefits due to a discharge from work on November 12, 2020. A hearing was scheduled for April 2, 2021 at 1:00 p.m. Prior to the hearing being held, the appellant/claimant requested the appeal be withdrawn in writing.

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 March 31, 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:

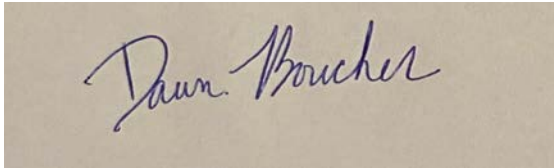
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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/claimant 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 of the representative dated January 15, 2021 (reference 01) that found the claimant was not eligible for benefits due to a discharge from work 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 April 2, 2021 is cancelled.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

April 6, 2021
Decision Dated and Mailed

db/scn