

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATALIE SCHMALZRIED
Claimant

APPEAL 21R-UI-18328-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

R L FRIDLEY THEATERS INC
Employer

OC: 06/07/20
Claimant: Appellant (6)

Iowa Admin. Code r. 871-24.23(10) – Leave of Absence
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant, Natalie Schmalzried, filed an appeal from the March 17, 2021, (reference 01) unemployment insurance decision that denied benefits based upon the conclusion. A hearing was scheduled for June 3, 2021 at 10:00 a.m. The claimant inadvertently registered the wrong phone number by one digit. The claimant discovered her error and called in, but the administrative law judge had already closed the record.

On August 12, 2021, the claimant appealed to the Employment Appeal Board (EAB). The EAB remanded the case back to the administrative law judge to decide it on the merits reasoning that the claimant attempted to appeal.

A telephone hearing was scheduled for October 11, 2021 at 8:00 a.m. Prior to the scheduled hearing date, the appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was submitted in writing and was verified by the appellant.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

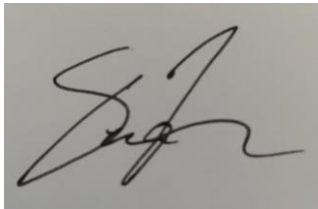
bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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.

DECISION:

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated March 17, 2021, (reference 01) is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on October 11, 2021, at 8:00 a.m. is canceled.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown within a rectangular frame.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

October 13, 2021
Decision Dated and Mailed

smn/mn