

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DUSTIN E NORDBY**  
Claimant

**MENARD INC**  
Employer

**APPEAL NO. 21A-UI-05620-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code Section 96.4(3) – Able & Available  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 16, 2020, reference 01, decision that denied benefits for the period of November 15, 2020 through December 5, 2020, based on the deputy's conclusion that the claimant was unable to work during that three-week period due to illness. A hearing was scheduled for April 27, 2021. The claimant appeared for the hearing. Lance Gesell appeared on the before of the employer. Prior to the presentation of evidence, the claimant/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The claimant is the appellant in this matter. The hearing was set for April 27, 2021. Both parties appeared at the time of the hearing. The administrative law judge gave the required opening statement, during which the administrative law judge clarified that the hearing concerned the claimant's eligibility for regular state unemployment insurance benefits. The claimant previously applied for and was deemed eligible for Pandemic Unemployment Assistance (PUA) for the three-week period in question. At the end of the opening statement, the administrative law judge invited questions from the claimant and the employer. The claimant asked questions concerning the distinction between eligibility for regular state benefits and Pandemic Unemployment Assistance (PUA) benefits. The administrative law judge provided a summary explanation. In light of the claimant's approval for PUA benefits, the claimant requested to withdraw the appeal in this matter pertaining to regular state benefits. The request was submitted before the administrative law judge entered a decision 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 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 16, 2020, reference 01, decision that denied regular state benefits for the period of November 15, 2020 through December 5, 2020, based on the deputy's conclusion that the claimant was unable to work during that three-week period due to illness, remains in effect.

This decision does nothing to disturb the Agency's determination that the claimant is eligible for PUA benefits for the period beginning November 15, 2020.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

---

James E. Timberland  
Administrative Law Judge

April 30, 2021  
Decision Dated and Mailed

jet/scn