

**OWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RAYMOND GOOCH

Claimant

APPEAL NO. 21A-UI-05515-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LE HUNT JR ENTERPRISES INC

Employer

OC: 01/03/21

Claimant: Appellant (6)

Iowa Code Section 96.5(1)(g) – Voluntarily Quit & Requalification
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, 2021, reference 01, decision that disqualified the claimant for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit without good cause attributable to the employer. A hearing was scheduled for April 26, 2020. The claimant appeared at the time of the hearing. The employer did not provide a telephone number for the hearing and did not appear. Prior to the presentation of evidence, the claimant/appellant requested the appeal be withdrawn.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 February 16, 2021, reference 01, decision from which the claimant appealed disqualified the claimant for benefits and held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit without good cause attributable to the employer. The claimant asserted in his appeal letter that he had requalified for benefits subsequent to his separation from this employer. After the claimant filed his appeal in this matter, Iowa Workforce Development determined that the claimant had indeed worked in and been paid wages for insured work equal to 10 times his weekly benefit amount subsequent to his September 28, 2020 separation from this employer and the January 3, 2021 original claim. On March 30, 2020, Iowa Workforce Development entered a reference 02 decision that held the claimant had requalified for benefits and was eligible for benefits in connection with the January 3, 2021 original claimant, provided he met all other eligibility requirements. At the start of the appeal hearing set for April 26, 2021, the claimant concurred that March 30, 2021, reference 02, decision provided the remedy the claimant sought through the appeal and requested to withdraw the appeal. The request to withdraw the appeal 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 has reviewed the relevant Agency administrative records and concludes that the claimant's timely request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The March 30, 2021, reference 02, decision effectively modified the February 16, 2021, reference 01, disqualification decision in the claimant's favor and granted all available remedy.



James E. Timberland
Administrative Law Judge

April 30, 2021
Decision Dated and Mailed

jet/ol