

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**STACY L MONTGOMERY**  
Claimant

**APPEAL 22A-UI-12165-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MONTEZUMA MFG DIV OF DIEOMATIC INC**  
Employer

**OC: 12/22/19**  
**Claimant: Respondent (6)**

Iowa Code § 96.6(2) – Timeliness of Employer Protest  
Iowa Code § 96.7(2)a(6) – Appeal from Statement of Charges  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed by the employer/appellant from the statement of charges dated November 9, 2020 for the third quarter ending September 30, 2020 which charged the employer \$481.00 regarding benefits paid to the claimant. A hearing was scheduled for June 23, 2022. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn on the record.

**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 on the record in Appeal No. 22A-UI-10795-DB-T.

**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:

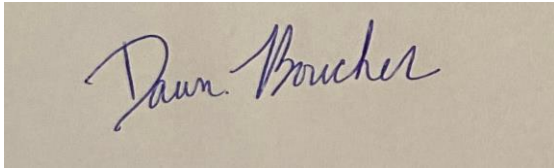
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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/employer has made a request on the record 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 statement of charges dated November 9, 2020 for the third quarter ending September 30, 2020 shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing in this matter is cancelled.



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Dawn Boucher  
Administrative Law Judge

June 29, 2022  
Decision Dated and Mailed

db/db