

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LANA HUBBARD
Claimant

FAREWAY STORES, INC.
Employer

**DIA CASE NO. 22IWDUI0006
IWD APPEAL NO. 21A-UI-15310**

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/11/21
Claimant: Appellant (6)**

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

STATEMENT OF THE CASE:

The claimant/appellant, Lana Hubbard, filed an appeal from the June 22, 2021 (reference 01) unemployment insurance decision that concluded she was not eligible for unemployment insurance benefits. A hearing was scheduled for August 20, 2021. Prior to the hearing being held, the appellant requested the appeal be withdrawn by email that was received on August 17, 2021.

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 was submitted in writing to the Administrative Hearings Division on August 17, 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:

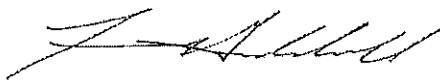
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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 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 dated June 22, 2021, 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 August 20, 2021 is cancelled.



Forrest Guddall
Administrative Law Judge
Iowa Department of Inspections and Appeals
Wallace State Office Building, Third Floor
Des Moines, IA 50319

August 19, 2021
Decision Dated and Mailed

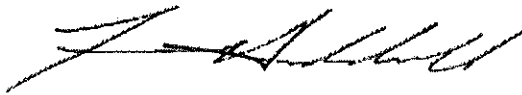
FG/aa

CC: Lana Hubbard, Claimant (by mail)
Fareway Stores, Inc., employer (by mail)
Joni Benson, IWD (by email)
Nicole Merrill, IWD (by email)

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations may qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

Case Title: HUBBARD V. FAREWAY STORES INC
Case Number: 22IWDUI0006
Type: Order - Withdrawal

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Forrest Guddall', written in a cursive style.

Forrest Guddall, Administrative Law Judge