

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JESSICA HAMBRICK
Claimant

APPEAL NO. 20A-UI-06759-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 03/22/20
Claimant: Appellant (6/R)

Iowa Code Section 96.19(18)(g)(6) – Student Work Not Employment
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Jessica Hambrick filed a timely appeal from the June 15, 2020, reference 01, decision that held she was not eligible to have wages earned from work performed for The University of Iowa included in her unemployment insurance claim. A hearing was scheduled for July 28, 2020. Ms. Hambrick appeared. The employer did not provide a telephone number for the hearing and did not appear. Prior to the presentation of evidence, Ms. Hambrick requested the appeal be withdrawn.

FINDINGS OF FACT:

Claimant Jessica Hambrick is the appellant in this matter. Though Ms. Hambrick's appeal was from a decision that held she was not eligible to have wages earned from work performed for The University of Iowa included in her unemployment insurance claim, that is not the issue that Ms. Hambrick intended to pursue with her appeal. Rather, Ms. Hambrick asserts she should be eligible for benefits based on base period wages from FBL Financial Group, Inc. IWD records indicate that Ms. Hambrick is "monetarily eligible" for benefits based on the base period wage credits primarily derived from the FBL employment. The administrative law judge's review of IWD records reflect that FBL received notice of the claim, but did not file a protest. Ms. Hambrick was receiving benefits until the deputy took the affirmative step, following the June 11 2020 fact-finding interview concerning The University of Iowa wages, to lock the claim. It is unclear to the administrative law judge why the deputy took the affirmative step of locking the claim. The June 15, 2020, reference 01, decision, regarding exclusion of the University of Iowa wages from the claim decision does not provide a basis for locking the claim. The code used for the lock indicated the lock was based on an "Able and Available" determination, but Agency records reflect there has been no employer protest asserting that Ms. Hambrick is not able or not available for work. In addition, there has been no adjudication of Ms. Hambrick's ability to work or availability for work. After the administrative law judge read the opening statement, he engaged in a brief discussion with Ms. Hambrick regarding the actual basis for the appeal and the locked claim. Following that discussion, Ms. Hambrick requested to withdraw her 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 Ms. Hambrick's request to withdraw her appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The June 15, 2020, reference 01, decision that excluded wages earned for work performed for The University of Iowa remains in effect. Seeing no basis for locking the claim, the administrative law judge has unlocked the claim. This matter is remanded to the Benefits Bureau for its consideration of whether an able and available determination is necessary, and for further action, if any, as the Benefits Bureau deems appropriate.



James E. Timberland
Administrative Law Judge

August 3, 2020
Decision Dated and Mailed

jet/scn