

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRIAN J PONTIUS**  
Claimant

**HY-VEE INC**  
Employer

**APPEAL 24A-UI-01535-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/19/25  
Claimant: Appellant (6)**

Iowa Code § 96.3(5) – Payment – determination – duration of benefits  
Iowa Admin. Code r. 871-26.7(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On February 21, 2025, claimant Brian J. Pontius filed an appeal from a representative's decision dated February 13, 2025 (reference 01). The Iowa Department of Inspections, Appeals, & Licensing Administrative Hearings Division UI Appeals Bureau scheduled a telephonic hearing for 10:00 a.m. on Monday, March 17, 2025. During the hearing and on the recorded telephone line, the claimant/appellant requested to withdraw the appeal.

**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: Claimant Brian J. Pontius appealed the February 13, 2025 (reference 01) unemployment insurance decision that denied his request to have the monetary determination recalculated due to business closing. The UI Appeals Bureau docketed the appeal on February 21, 2025. Mr. Pontius appeared for the telephone hearing at 10:00 a.m. on Monday, March 17, 2025. During that hearing, the administrative law judge explained that the reference 01 decision did not affect his overall eligibility for benefits. The decision only affected the amount of benefits he received and the overall number of weeks he could receive benefits during the claim year. Once Mr. Pontius understood the decision did not deny benefits, he requested to withdraw the appeal. The request was made verbally on the recorded hearing line.

**REASONING AND CONCLUSIONS OF LAW:**

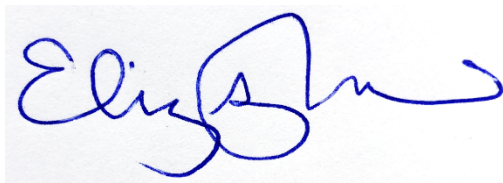
Iowa Admin. Code r. 871-26.7(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer. Requests for withdrawal may be made in writing or orally, provided the oral request is recorded by the presiding officer...

The administrative law judge has reviewed Mr. Pontius's request and the administrative record. Mr. Pontius's request to withdraw his appeal of the February 13, 2025 (reference 01) unemployment insurance decision is approved. The underlying decision of the representative – stating the claimant's request to recalculate the monetary determination due to business closing is denied – shall remain in effect.

**DECISION:**

The decision of the representative dated February 13, 2025 (reference 01) is affirmed. Mr. Pontius's request to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.



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Elizabeth A. Johnson  
Administrative Law Judge

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March 18, 2025  
Decision Dated and Mailed

lj/rvs

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.