

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL T MUMM
Claimant

APPEAL 20A-UI-04113-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MISSOURI BUILDERS SERVICE INC
Employer

OC: 01/20/19
Claimant: Respondent (6)

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

Employer/appellant filed an appeal from the May 8, 2020, Statement of Charges for the first quarter of 2020 that charged employer for claimant's unemployment insurance benefits. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for June 2, 2020, at 8:00 A.M. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

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: The employer/appellant appealed the Statement of Charges included charges for claimant's unemployment insurance benefits.

A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

The hearing scheduled for June 2, 2020, is cancelled.

DECISION:

The employer/appellant's request to withdraw the appeal is approved.

The May 8, 2020, Statement of Charges for the first quarter of 2020 remains in effect.



Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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June 16, 2020
Decision Dated and Mailed

jlb/mh