

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JOSHUA L ELLIS**  
Claimant

**APPEAL 20A-UI-02325-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE PUMP & EQUIPMENT INC**  
Employer

**OC: 02/09/20**  
**Claimant: Respondent (6)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
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:**

The employer/appellant, Advance Pump & Equipment Inc., filed an appeal from the March 4, 2020 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits. A telephone hearing was scheduled for April 1, 2020 and then rescheduled to 2:00 p.m. on April 28, 2020 at the Agency’s request. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn. The request was submitted in writing.

**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 claimant established a claim for benefits effective February 9, 2020. The employer appealed the initial decision dated March 4, 2020 which allowed benefits. On March 23, 2020, the employer requested 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 scheduled hearing for 2:00 p.m. on April 28, 2020 is cancelled.**

**DECISION:**

The decision of the representative dated March 4, 2020, (reference 01) is affirmed. The request of the appealing party 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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Jennifer L. Beckman  
Administrative Law Judge  
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March 27, 2020  
Decision Dated and Mailed

jlb/scn