

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**RAHMAN N KOUTATEH**  
Claimant

**APPEAL 20R-UI-12592-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RUAN TRANSPORT CORP**  
Employer

**OC: 04/12/20  
Claimant: Appellant (6)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting  
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:**

On August 7, 2020, Rahman N. Koutateh (claimant/appellant) filed an appeal from the unemployment insurance decision dated July 31, 2020, reference 03, which denied benefits based on the determination Ruan Transport Corp. (employer) discharged him for violation of a known company policy. A hearing was held on September 21, 2020 with a different administrative law judge (ALJ) and the employer did not participate. In appeal 20A-UI-09619-J1-T, the ALJ reversed the unemployment insurance decision and allowed the claimant to receive benefits.

The employer appealed the decision to the Employment Appeal Board (EAB). On October 12, 2020, the EAB remanded the case for a new hearing but did not vacate the original decision in appeal 20A-UI-09619-J1-T.

The remanded appeal hearing was scheduled for December 10, 2020. Prior to the hearing being held, the employer asked to withdraw their appeal to the claimant's receipt of benefits. Because the EAB did not vacate the original appeal decision 20A-UI-09619-J1-T, that hearing record, including any exhibits, is adopted and incorporated herein.

**ISSUE:**

Should the request to withdraw the appeal be granted and the original appeal decision be adopted?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Inasmuch as the decision was not vacated as a result of the EAB remand, the administrative law judge's findings of fact in appeal 20A-UI-09619-J1-T is hereby adopted and incorporated herein as the findings of fact for appeal 20R-UI-12592-SC-T.

This decision adds: On November 16, 2020, the employer requested in writing to withdraw their objection to the claimant's claim for benefits and stated they would not be participating in the remanded hearing.

**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 the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

As the employer no longer wishes to proceed with their appeal to the claimant's receipt of benefits, the request to withdraw should be granted. The EAB did not vacate the original decision. The ALJ's reasoning and conclusions of law in appeal 20A-UI-09619-J-T are hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 20R-UI-12592-SC-T.

**DECISION:**

The request of the employer to withdraw their request for a new hearing is approved. The original decision was not vacated as a result of the EAB remand and the ALJ's decision in appeal 20A-UI-09619-J1-T is hereby adopted and incorporated herein as the decision for appeal 20R-UI-12592-SC-T. Benefits are allowed, provided the claimant is otherwise eligible.

The hearing scheduled on December 10, 2020, at 3:00 p.m. is cancelled.



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Stephanie R. Callahan  
Administrative Law Judge

December 10, 2020  
Decision Dated and Mailed

src/mh