

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EMERY D MULLEN
Claimant

AEROTEK INC
Employer

APPEAL 21A-UI-20982-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Respondent (6)

Iowa Code § 96.6(3) – Previous Adjudication
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the employer/appellant from the Iowa Workforce Development representative's decision dated September 14, 2021 (reference 01) that found the claimant was eligible for unemployment insurance benefits as the separation from employment had been previously adjudicated in a prior claim year. A hearing was scheduled for November 17, 2021 at 10:05 a.m. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn in writing.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: A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing on November 16, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

Iowa Admin. Code r. 871-26.8(1) provides:

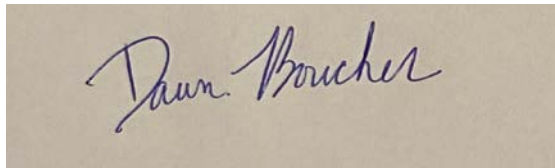
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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 appellant/employer has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the record and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated September 14, 2021 (reference 01) that found the claimant was eligible for benefits as the separation issue had been previously adjudicated in a prior claim year shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing scheduled for November 17, 2021 is cancelled.



Dawn Boucher
Administrative Law Judge

November 18, 2021
Decision Dated and Mailed

db/db