

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**SAMANTHA J JESSEN**  
Claimant

**APPEAL NO. 20A-UI-14355-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**A & B CHIILDCARE INC**  
Employer

**OC: 04/05/20**  
**Claimant: Appellant (6)**

Iowa Code Section 96.4(3) – Able & Available  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The Appeals Bureau docketed a timely claimant appeal from the October 29, 2020, reference 02, decision that denied benefits for the week that ended August 22, 2020, based on the deputy's conclusion that the claimant was not available for work that week. A hearing was scheduled for January 11, 2021. The scheduled hearing was consolidated with the hearing in Appeal Numbers 20A-UI-14354-JTT and 20A-UI-14356-JTT. Claimant appeared with counsel. Employer appeared with counsel. Prior to the presentation of evidence, claimant's counsel requested to withdraw the appeal in this appeal number.

**FINDINGS OF FACT:**

The claimant filed an appeal from the October 29, 2020, reference 01, regarding her separation from the employer. The Appeals Bureau erroneously also docketed a claimant appeal in the present matter. On January 11, 2021, the parties and their respective counsel appeared for the scheduled started of the appeal hearing. After the administrative law judge gave the required opening statement, claimant's counsel clarified that the claimant did not intend to file an appeal in the present matter or in 20A-UI-14356-JTT, did not wish to proceed with an appeal in those two matters, and wished to withdraw the appeal in those two matters. The request to withdraw the appeal was made before any decision was entered in connection with the appeal.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 concludes that the claimant/appellant's request to withdraw the appeal in this matter should be approved.

**DECISION:**

The claimant's request to withdraw the appeal is approved. The October 29, 2020, reference 02, decision that denied benefits for the week that ended August 22, 2020, based on the deputy's conclusion that the claimant was not available for work that week, remains in effect.

The remaining appeal in Appeal Number 20A-UI-14354-JTT shall proceed separately.



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James E. Timberland  
Administrative Law Judge

January 28, 2021  
Decision Dated and Mailed

jet/scn