

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CARLY B MICHALEC
Claimant

APPEAL 21A-UI-15283-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE OLIVE TREE RESTAURANT
Employer

OC: 04/12/20
Claimant: Appellant (1)

Iowa Code § 96.6(2) – Filing – Timely Appeal
Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

On July 7, 2021, Carly Michalec (claimant/appellant) filed an appeal from the August 21, 2020 (reference 01) unemployment insurance decision that denied benefits based on a finding claimant voluntarily quit work on March 30, 2020 for reasons not caused by employer.

A telephone hearing was held on August 31, 2021. The parties were properly notified of the hearing. Claimant participated personally. The Olive Tree Restaurant (employer/respondent) was not available at the number registered and did not participate. Appellant withdrew her appeal on the record.

ISSUE:

Whether the request to withdraw the appeal should be granted.

FINDINGS OF FACT:

The appellant requested to withdraw the appeal on the record during the hearing on August 31, 2021.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). An oral request must be tape-recorded by the presiding officer. *Id.*

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The appealing party's request to withdraw the appeal of the August 21, 2021 (reference 01) unemployment insurance decision that denied benefits based on a finding claimant voluntarily quit work on March 30, 2020 for reasons not caused by employer is approved. That decision shall stand and remain in full force and effect.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

September 7, 2021
Decision Dated and Mailed

abd/mh

Note to Claimant:

If this decision determines you have been overpaid FPUC and/or PEUC, you may request a waiver of the overpayment. Instructions for requesting a waiver can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.