

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**KASANDRA R SCHAEFER**  
Claimant

**APPEAL NO. 21A-UI-25435-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MENARD INC**  
Employer

**OC: 03/28/21**  
**Claimant: Respondent (6)**

Iowa Code Section 96.6(2) – Timeliness of Protest  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the November 12, 2021, reference 03, decision that allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged, based on the deputy's conclusion that the employer's protest was untimely. A hearing was scheduled for January 14, 2022. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**ISSUE:**

Should the appellant's request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The hearing is set for January 14, 2022. On January 10, 2022, the employer submitted a written request to withdraw the appeal. The request was submitted before the administrative law judge entered a decision 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 employer's timely request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The November 12, 2021, reference 03, decision that allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged, based on the deputy's conclusion that the employer's protest was untimely, remains in effect. The hearing set for January 14, 2022 is cancelled.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

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James E. Timberland  
Administrative Law Judge

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February 1, 2022  
Decision Dated and Mailed

jet/kmj