

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JASMINE D BROOKS**  
Claimant

**DES MOINES IND COMMUNITY SCH DIST**  
Employer

**APPEAL NO. 21A-UI-12424-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/21/21  
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 claimant, Jasmine Brooks, filed an appeal from the May 12, 2021, reference 02, decision that denied regular state benefits for the period beginning March 21, 2021, based on the deputy's conclusion that the claimant was still employed in her on-call job, still employed in the same capacity as in her original contract of hire, and not available for work within the meaning of the law. A hearing was scheduled for July 27, 2021. The claimant appeared for the hearing. The employer appeared through Rhonda Wagoner and Heather Jacobus. Prior to the presentation of evidence, the claimant requested to withdraw her appeal. This case is not a companion to 21A-UI-12422-JTT, which concerns a different employer and different legal issues.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant is the appellant in this matter. The hearing commenced on July 27, 2021. The administrative law judge provided the required opening statement and then invited questions. The claimant asked questions regarding the impact of the May 12, 2021, reference 02, decision on her eligibility for the Pandemic Unemployment Assistance (PUA) benefits she had received for the period ending May 29, 2021. The administrative law judge answered the claimant's questions. After that discussion, the claimant requested to withdraw her appeal in this matter regarding her eligibility for regular state benefits for the period of March 21, 2021 through May 29, 2021. The request to withdraw the appeal was made before the administrative law judge entered a decision regarding 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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's timely request to withdraw the appeal should be approved.

**DECISION:**

The claimant's request to withdraw the appeal is approved. The May 12, 2021, reference 02, decision that denied regular state benefits for the period beginning March 21, 2021, based on the deputy's conclusion that the claimant was still employed in her on-call job, still employed in the same capacity as in her original contract of hire, and not available for work within the meaning of the law, shall stand. Because the claimant discontinued her weekly claims following the week that ended May 29, 2021, this decision and the May 12, 2021, reference 02, affect only the period of March 21, 2021 through May 29, 2021.



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James E. Timberland  
Administrative Law Judge

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August 3, 2021  
Decision Dated and Mailed

jet/mn