

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**LYNN WHITAKER**  
Claimant

**APPEAL NO. 21A-UI-06343-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 09/13/20**  
**Claimant: Respondent (6)**

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal  
Iowa Code Sec. 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

An appeal was filed from a representative's decision dated February 18, 2021, reference 02. A hearing was scheduled for May 7, 2021. Prior to the hearing being held, appellant requested the appeal be withdrawn.

**ISSUE:**

The issue is whether the appeal should be withdrawn.

**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.

**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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

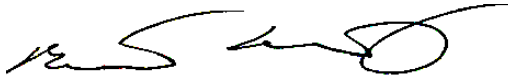
An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

No hearing shall be held in this matter.

**DECISION:**

The decision of the representative dated February 18, 2021, reference 02, is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. Claimant is entitled to receive unemployment insurance benefits, provided eligibility requirements have been satisfied. The hearing set for May 7, 2021 at 11 am is hereby cancelled.



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Blair A. Bennett  
Administrative Law Judge

April 12, 2021  
Decision Dated and Mailed

bab/scn