

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MUI T PHAM
Claimant

APPEAL NO: 18A-UI-05425-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/11/18
Claimant: Appellant (6)

Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits
Iowa Code § 96.6(1) – Filing Claims

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 4, 2018, (reference 02) unemployment insurance decision that denied retroactive benefits for the week ending March 18, 2018. The claimant was properly notified about the hearing. A telephone hearing was held on May 30, 2018. The claimant participated personally and through a Vietnamese interpreter at CTS Language Link.

Approximately 21 minutes into the hearing, the claimant requested the hearing be canceled. The hearing ended before the administrative law judge could complete the opening statement.

Throughout the opening statement, and through the interpreter, the claimant questioned why the hearing must be conducted, and that she just wanted to be given her unemployment insurance benefits. The administrative law judge explained that a hearing must be conducted in order for her request to be considered. The claimant stated she did not want to participate in the hearing and was advised of the consequences of canceling her appeal. The claimant reiterated she wanted to cancel her hearing, which was accepted as a withdrawal to the appeal. No testimony was taken.

ISSUE:

Should the request to withdraw the appeal be granted?

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 was recorded and made through a Vietnamese interpreter at the time of the scheduled hearing. Consequences of withdrawing the appeal were explained to the claimant before the administrative law judge would accept the withdrawal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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.

The scheduled hearing for May 30, 2018 is canceled.

DECISION:

The decision of the representative dated May 4, 2018, (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. The claimant's request for retroactive benefits is denied.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn