

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**CLARENCE L NTUMBA KADIMA**  
Claimant

**APPEAL NO. 18A-UI-07999-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KELLY SERVICES USA LLC**  
Employer

**OC: 07/01/18**  
**Claimant: Respondent (6)**

Iowa Code Section 96.5(3) – Work Refusal  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the July 18, 2018, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible, based on the Benefits Bureau deputy's conclusion that the claimant had not refused work or a work referral. A hearing was scheduled for August 15, 2018. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. The appeal hearing is set for August 15, 2018. On August 2, 2018, the employer submitted a written request to withdraw the appeal. The request to withdraw the appeal was made prior to the entry of 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The July 18, 2018, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible, based on the Benefits Bureau deputy's conclusion that the claimant had not refused work or a work referral, remains in effect. The hearing set for August 15, 2018 is cancelled.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/rvs