

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

FRANK A WAGNER
Claimant

APPEAL NO. 22A-UI-04570-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALL AROUND TOWN OUTDOOR
Employer

OC: 12/20/20
Claimant: Appellant (6)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated January 14, 2021, reference 01. A hearing was scheduled for March 24, 2022. In the middle of the hearing being held, appellant requested the appeal be withdrawn through its representative Melissa Husman.

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The issue is whether the appeal should be withdrawn.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 verbally.

The administrative law judge discovered that a subsequent (Ref 02) decision issued by IWD found that this employer would not be held responsible for unemployment benefits received by claimant as claimant earned more than 10x his weekly benefit amount after his separation from the above-named employer.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 January 14, 2021, reference 01, 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 March 24, 2022 at 2:00 pm is hereby cancelled.

Employer's account shall not be charged for benefits received by claimant, in accordance with the (Ref 02) decision.



Blair A. Bennett
Administrative Law Judge

April 11, 2022
Decision Dated and Mailed

bab/mh