

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMBER J USHER
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL 20A-UI-15799-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/19/20
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Able and Available
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

STATEMENT OF THE CASE:

On November 8, 2020, the claimant filed an appeal from the November 4, 2020, (reference 01) unemployment insurance decision that denied benefits from July 19, 2020, through July 25, 2020. A hearing was scheduled for January 28, 2021. Prior to the hearing being held, the claimant requested to withdraw the appeal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: Claimant has requested to withdraw the appeal of the decision that denied her benefits during the week beginning July 19, 2020, through July 25, 2020, as she was still employed that week. A reference 02 decision ALLOWED claimant benefits effective July 26, 2020, due to a short-term layoff. Claimant was furloughed from July 26, 2020, through August 1, 2020. Claimant received a benefit payment for that week. Employer did not appeal the decision, and the allowance of benefits for that week is not in question. After this was explained to claimant, she submitted a verbal request to withdraw the appeal and it was recorded by the administrative law judge.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

The administrative law judge has reviewed the records and files and concludes that claimant's request to withdraw the appeal should be approved.

DECISION:

Claimant's request to withdraw the appeal of the unemployment insurance decision dated November 4, 2020, (reference 01), that denied benefits during the week ending July 25, 2020, is approved. The decision denying claimant benefits during the one week ending July 25, 2020, shall stand and remain in full force and effect. Benefits are allowed for the week claimant was off work, from July 26, 2020, through August 1, 2020.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 12, 2021
Decision Dated and Mailed

cal/bd