

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARCQUES J DERBY
Claimant

CNH AMERICA LLC
Employer

APPEAL 20A-UI-00935-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/29/19
Claimant: Appellant (6)**

Iowa Code § 96.5(7) – Receipt of Vacation Pay/PTO
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 February 1, 2020, the claimant appealed the unemployment insurance decision dated January 30, 2020 (reference 02) that found claimant ineligible for benefits for the one week ending January 4, 2020. Prior to a hearing being scheduled, 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 found claimant ineligible for benefits during the one week ending January 4, 2020. Claimant submitted the request 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

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 January 30, 2020 (reference 02) is approved. The decision denying benefits during the one week ending January 4, 2020, shall stand and remain in full force and effect.



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

February 4, 2020
Decision Dated and Mailed

cal/scn