

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JACK KOHLER**  
Claimant

**THE UNIVERSITY OF IOWA**  
Employer

**APPEAL NO. 21A-UI-01229-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/26/20**  
**Claimant: Appellant (6)**

Iowa Code Section 96.3(4) and (5) – Monetary Determination  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The claimant, Jack Kohler, filed a timely appeal from the December 3, 2020, reference 02, decision that denied a request to add wages to the claimant's base period wages for use in determining weekly and maximum benefits in connection with the July 26, 2020 original claim. A hearing was scheduled for February 16, 2020. The parties received proper notice. The claimant and the employer representative, Jessica Wade, appeared at the appointed time. Prior to the presentation of evidence, the claimant requested to withdraw his appeal.

**FINDINGS OF FACT:**

The claimant is the appellant in this matter. The claimant filed an appeal from the December 3, 2020, reference 02, to preserve his right to be heard in case the decision was a denial of benefits and as a means to learn what the cryptic language in the decision actually meant. At the start of the appeal hearing, the administrative law judge provided the required opening statement and explained the substance and impact of the reference 02 decision to the claimant, including the concept of the base period and base period wages as the basis for the weekly benefit amount and the maximum benefit amount. Following that explanation, and after learning that the decision was not a denial of benefits or a request for repayment, the claimant elected to withdraw his appeal. The request was submitted before the administrative law judge entered 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 concludes that the claimant's request to withdraw the appeal is knowingly and voluntarily made and should be approved.

**DECISION:**

The claimant's timely request to withdraw the appeal is approved. The December 3, 2020, reference 02, decision that denied a request to add wages to the claimant's base period wages for use in determining weekly and maximum benefits in connection with the July 26, 2020 original claim remains effect.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

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James E. Timberland  
Administrative Law Judge

February 24, 2021  
Decision Dated and Mailed

jet/lj