

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JAY P PETERSON**

Claimant

**APPEAL 21A-UI-11067-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE WALDINGER CORPORATION**

Employer

**OC: 10/25/20**

**Claimant: Appellant (6)**

Iowa Code § 96.19(38) – Total and Partial Unemployment  
Iowa Code §96.4(3) – Able to and Available for Work  
Iowa Admin. Code r. 871-24.23(26) – Same Hours and Wages  
Iowa Code § 96.7(2)a(2) – Same Base Period Employment  
Iowa Admin. Code r. 871-24.23(10) – Leave of Absence  
Iowa Admin. Code r. 871-26.8(1) – Dismissal of Appeal

**STATEMENT OF THE CASE:**

The Waldinger Corporation, the employer/appellant, filed an appeal from the March 30, 2021, (reference 03) unemployment insurance decision that allowed benefits as of February 14, 2021. The parties were properly notified about the hearing. A telephone hearing was scheduled for July 7, 2021. Because the issue appealed was resolved prior to the hearing in the appellant's favor (see the administrative law judge's May 28, 2021 decision in Appeal 21A-UI-07377-DZ-T), no testimony was necessary and no hearing was held.

**ISSUES:**

Should the appeal be dismissed because the issue on appeal has been resolved in the appellant's favor?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue in the decision appealed has been amended in favor of the appellant by the administrative law judge's May 28, 2021 decision in Appeal 21A-UI-07377-DZ-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

Inasmuch as the administrative law judge's May 28, 2021 decision in Appeal 21A-UI-07377-DZ-T already addressed Mr. Peterson's eligibility for benefits as of February 14, 2021, concluding that Mr. Peterson is not eligible for benefits "...the weeks of...February 14, 2021, and April 18, 2021," there is no issue for the administrative law judge to adjudicate.

**DECISION:**

The appeal of the March 30, 2021, (reference 03) unemployment insurance decision is dismissed. Benefits are denied per the administrative law judge's May 28, 2021 decision in Appeal 21A-UI-07377-DZ-T.



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July 19, 2021  
Decision Dated and Mailed

dz/mh