

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES R MILLANE
Claimant

AGRI-INDUSTRIAL PLASTICS CO
Employer

APPEAL 20A-UI-12292-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
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 September 30, 2020, the claimant appealed the unemployment insurance decision dated September 24, 2020 (reference 01) that denied regular, state unemployment insurance benefits. A hearing was scheduled for December 3, 2020. 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 regular, state unemployment insurance benefits. Claimant has been approved for federal Pandemic Unemployment Assistance benefits and will remain eligible for those benefits. Claimant submitted the request to withdraw the appeal verbally 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 September 24, 2020 (reference 01) is approved. The decision denying regular, state unemployment insurance benefits claimant benefits shall stand and remain in full force and effect. Claimant has been approved for federal Pandemic Unemployment Assistance benefits and will remain eligible for those benefits.



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

December 10, 2020
Decision Dated and Mailed

cal/mh