

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CURTIS D CORWIN
Claimant

LENNOX INDUSTRIES INC
Employer

APPEAL 18R-UI-11271-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/29/18
Claimant: Respondent (6)**

Iowa Code §96.4(3) – Able and Available for Work
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:

The employer, Lennox Industries Inc, filed an appeal from an unemployment insurance decision dated September 28, 2018, reference 03. A telephone appeal hearing was scheduled and held on October 24, 2018. The administrative law judge issued a decision following this hearing. The claimant, Curtis Corwin, appealed to the Employment Appeal Board. On November 16, 2018, the Employment Appeal Board issued its decision remanding the matter to an administrative law judge for additional evidence. An appeal hearing was scheduled on December 11, 2018, at 9:00 a.m. On December 3, 2018, before the next hearing date, the employer/appellant submitted a written withdrawal of its appeal. The Appeals Bureau received the withdrawal on that date. The hearing was canceled due to this appeal withdrawal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The unemployment insurance decision issued on September 28, 2018, reference 03, determined that the claimant was able and available for work during a short-term layoff. The employer appealed this decision. A telephone hearing was scheduled and held for this appeal on October 24, 2018, at 10:00 a.m. The administrative law judge issued a decision on October 26, 2018, based on the evidence presented during the appeal hearing. The claimant, Curtis Corwin, appealed to the Employment Appeal Board. On November 16, 2018, the Employment Appeal Board issued its decision remanding the matter to an administrative law judge for additional evidence. An appeal hearing was scheduled on December 11, 2018, at 9:00 am.

On December 3, 2018, before the next hearing date, the employer/appellant submitted a written withdrawal of its appeal. The appeal withdrawal was submitted in writing, via fax. The Appeals Bureau received the withdrawal on that same date.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw his or her appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1).

The employer, Lennox Industries Inc, was the original appealing party in this case.

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The appealing party's request to withdraw its appeal of the unemployment insurance decision dated September 28, 2018, reference 03, is approved. That decision shall stand and remain in full force and effect. The hearing scheduled on December 11, 2018, at 9:00 a.m. is canceled.

NOTE TO CLAIMANT: The telephone appeal hearing in a companion overpayment appeal, scheduled on December 11, 2018 at 9:05 am, will proceed as scheduled.

Emily Gould Chafa
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

ec/rvs