

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROBIN L NICHOLS
Claimant

EXCEPTIONAL PERSONS INC
Employer

APPEAL 21A-UI-19714-LJ-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/15/20
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.23(10) – Leave of Absence
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

On September 4, 2021, claimant Robin L. Nichols filed an appeal from a representative's decision dated September 2, 2021 (reference 01). A telephonic hearing was scheduled for 2:00 0.m. on Thursday, October 28, 2021. Prior to the hearing being held, the claimant/appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing. The administrative law judge received the claimant's written request to withdraw the appeal on Friday, October 15, 2021.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(1) provides:

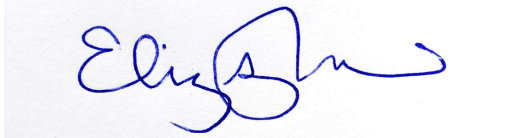
(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The administrative law judge has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated September 2, 2021 (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

The hearing scheduled for 2:00 p.m. on Thursday, October 28, 2021, is canceled.



Elizabeth A. Johnson
Administrative Law Judge

October 25, 2021
Decision Dated and Mailed

lj/kmj