

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEANNE E HINDMAN
Claimant

HY-VEE INC
Employer

APPEAL 20A-UI-10599-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (6R)

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 August 29, 2020, the claimant appealed the unemployment insurance decision dated August 21, 2020, (reference 01) that denied REGULAR unemployment insurance benefits. A hearing was scheduled for October 19, 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 unemployment insurance benefits. Claimant submitted the request verbally and it was recorded by the administrative law judge.

Claimant has also submitted an application for Pandemic Unemployment Assistance (PUA) benefits. The administrative law judge will remand this case so a decision on that application can be made.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 August 21, 2020, (reference 01) is approved. The decision denied claimant REGULAR unemployment insurance benefits shall stand and remain in full force and effect.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for a decision on claimant's application for PUA benefits.



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

October 22, 2020
Decision Dated and Mailed

cal/scn