

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

MARY J DUSENBERY
Claimant

APPEAL NO. 19A-UI-04904-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DRAKE UNIVERSITY
Employer

OC: 05/19/19
Claimant: Appellant (6)

Iowa Code Section 96.4(3) – Able & Available
Iowa Code Section 96.19(38)(b) – Partial Unemployment
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Mary Dusenbery filed an appeal from the June 12, 2019, reference 01, decision that denied benefits effective May 19, 2019, based on the deputy's conclusion that Ms. Dusenbery was not partially unemployed within the meaning of the law. A hearing was scheduled for July 12, 2019. Prior to the hearing being held, Ms. Dusenbery requested that the appeal be withdrawn.

FINDINGS OF FACT:

Mary Dusenbery is the appellant in this matter. An appeal hearing has been set for July 12, 2019. On June 24, 2019, Ms. Dusenbery submitted a written request to withdraw her appeal. The request was submitted before a decision was entered in connection with the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

The administrative law judge concludes that Ms. Dusenbery's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The June 12, 2019, reference 01, decision that denied benefits effective May 19, 2019, based on the deputy's conclusion that the claimant was not partially unemployed within the meaning of the law, shall remain effect. The hearing set for July 12, 2019 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs