

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BUCK V FINN
Claimant

CUSTOM PRECAST COMPANY
Employer

APPEAL 19A-UI-02147-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/23/18
Claimant: Respondent (6R)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated March 6, 2019, (reference 01). After due notice was issued a hearing was begun on March 27, 2019. Prior to the hearing being held and completed the employer/appellant requested the appeal be withdrawn.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 verbally and has been recorded.

REASONING AND CONCLUSIONS OF LAW:

An appellant may submit an oral 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).

Based on the documents in the appeal file and the applicable law, the request of the appealing party to withdraw the appeal should be approved.

The decision at issue in this case notified the claimant that he was required to make job searches. The employer appealed the decision. The employer participated in the fact-finding interview and expected the fact-finder to issue a decision on the claimant's permanent separation from employment. The claimant had been on a layoff, but his status changed to permanent separation. The claimant is permanently separated from employment but no initial review and determination on his separation has yet been made.

REMAND:

The issue of claimant's permanent separation from employment is remanded to the unemployment insurance service center for an initial review and determination.

DECISION:

The decision of the representative dated March 6, 2019, (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. Claimant is required to make job searches each week he claims unemployment insurance benefits. The issue of claimant's permanent separation from employment is remanded for an initial review and determination.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs