

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JANET S SCHLAPKOHL**  
Claimant

**APPEAL NO. 21A-UI-10568-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA CITY COMMUNITY SCHOOL DIST**  
Employer

**OC: 05/24/20**  
**Claimant: Appellant (6)**

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 August 14, 2020, reference 01. A hearing was scheduled for June 30, 2021. At the start of the hearing being held, appellant requested the appeal be withdrawn.

**ISSUE:**

The issue is whether the appeal should be withdrawn.

**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. Claimant was allowed benefits through this reference number and had no dispute with the fact finder's decision. Claimant wished to appeal the reference 2 and 3 decisions which found her ineligible to receive benefits and to have been overpaid benefits. As the reference 2 decision was not set for appeals hearing, a new expedited hearing will be set addressing claimant's appeal and all of the companion overpayment cases.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

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

No hearing shall be held in this matter.

**DECISION:**

The decision of the representative dated August 14, 2020, 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 entitled to receive unemployment insurance benefits, provided eligibility requirements have been satisfied. The hearing set for June 30, 2021 at 11:00am is hereby cancelled.



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Blair A. Bennett  
Administrative Law Judge

July 14, 2021  
Decision Dated and Mailed

bab/mh