

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

EMMA L PRECIADO
Claimant

APPEAL NO. 19A-UI-05517-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SMITHFIELD PACKAGED MEATS CORP
Employer

OC: 06/16/19
Claimant: Appellant (6)

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

STATEMENT OF THE CASE:

Emma Preciado filed a timely appeal from the July 3, 2019, reference 02, decision that denied benefits effective June 16, 2019, based on the deputy's conclusion that Ms. Preciado was unable to work due to injury. A hearing was scheduled for August 9, 2019. Prior to the hearing being held, Ms. Preciado's attorney of record, Dennis McElwain, requested on Ms. Preciado's behalf that the appeal be withdrawn.

FINDINGS OF FACT:

Claimant Emma Preciado is the appellant in this matter. The appeal hearing was set for August 9, 2019. On August 8, 2019, Ms. Preciado's attorney of record, Dennis McElwain, submitted a written request to withdraw the appeal. The request to withdraw the appeal 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 has reviewed the administrative file and concludes that the claimant's request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The July 3, 2019, reference 02, decision that denied benefits effective June 16, 2019, based on the deputy's conclusion that the claimant was unable to work due to injury, shall stand. The hearing set for August 9, 2019 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs