

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**BRIAN E GIPPER**  
Claimant

**APPEAL NO. 20A-UI-08848-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CITY OF INDEPENDENCE**  
Employer

**OC: 05/10/20**  
**Claimant: Respondent (6)**

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Iowa Code Section 96.5(2)(a) - Discharge  
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal that the Appeals Bureau interpreted to be a late appeal from the June 11, 2020, reference 01, decision that allowed benefits to the claimant, provided he met all other eligibility requirements, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on March 26, 2020 for no disqualifying reason. An appeal hearing was scheduled for September 10, 2020. The claimant, Brian Gipper, appeared. Steven Weidner, City Attorney, appeared on behalf of the employer. Employer witnesses Jenna Lynch, City Clerk/Treasurer, and Al Roder, City Manager, was also present on behalf of the employer. Prior to the presentation of evidence, the employer/appellant requested the appeal in this matter be withdrawn.

**FINDINGS OF FACT:**

The employer is the appellant in this matter. At the time set for the hearing, employer's counsel clarified that the employer did not wish to challenge the June 11, 2020, reference 01, decision, had not filed an appeal from that decision, and was instead interested in pursuing vacation pay and related issues pertaining to a different appeal number, 20A-UI-09716-JTT. The employer requested to withdraw the appeal in this matter. The request was part of the recorded proceeding. The request was made 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 concludes that the employer's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal in this matter is approved. The June 11, 2020, reference 01, decision that allowed benefits to the claimant, provided he met all other eligibility requirements, and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on March 26, 2020 for no disqualifying reason, remains in effect.



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James E. Timberland  
Administrative Law Judge

September 11, 2020  
Decision Dated and Mailed

jet/scn