

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JANE E CHIARAMONTE
Claimant

PARLOR CITY ICE CREAM LLC
Employer

APPEAL 22A-UI-08096-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/19/21
Claimant: Respondent (6)

Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.1A(37) – Total, Partial, and Temporary Unemployment
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

On March 17, 2022, employer Parlor City Ice Cream, L.L.C. filed an appeal from a representative's decision dated December 29, 2021 (reference 01). A telephonic hearing was scheduled for 8:00 a.m. on Friday, May 13, 2022. At the outset of the hearing, the employer/appellant requested the appeal be withdrawn.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. The administrative law judge received the employer's verbal request to withdraw the appeal on May 13, 2022. Angela Hoyt, appearing for the employer, explained that the employer never intended to appeal the claimant's eligibility for benefits during her short-term layoff.

REASONING AND CONCLUSIONS OF LAW:

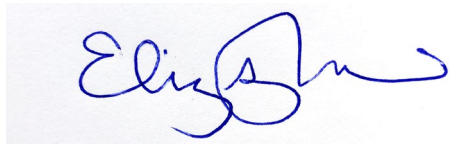
Iowa Admin. Code r. 871-26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

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.

DECISION:

The decision of the representative dated December 29, 2021 (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.



Elizabeth A. Johnson
Administrative Law Judge

May 16, 2022
Decision Dated and Mailed

lj/lj