

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

TRAVIS W SMITH
Claimant

APPEAL NO. 19A-UI-05568-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEKSYSTEMS INC
Employer

OC: 06/02/19
Claimant: Respondent (6)

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

STATEMENT OF THE CASE:

The employer filed an appeal from the July 3, 2019, reference 01, decision that allowed benefits to the claimant effective June 2, 2019 provided he was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but temporarily laid off. A hearing was scheduled for August 6, 2019. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer, Teksystems Inc. is the appellant in this matter. Thomas & Company had filed an appeal on behalf of Teksystems, Inc. The appeal hearing is set for August 6, 2019. On July 26, 2019, Anthony Gomez, Account Representative with Thomas & Company, submitted a written request to withdraw the employer's appeal. The request was submitted prior to entry of a decision 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The July 3, 2019, reference 01, decision that allowed benefits to the claimant effective June 2, 2019 provided he was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but temporarily laid off, shall remain in effect. The hearing set for August 6, 2019 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs