

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JANIE L WOODSIDE
Claimant

APPEAL NO. 19A-UI-02626-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHNEIDER NATIONAL CARRIERS INC
Employer

OC: 09/23/18
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 March 18, 2019, reference 03, decision that held the claimant was eligible for benefits effective February 24, 2019 provided she met all other eligibility requirements, based on the deputy's conclusion that the claimant was able to work and available for work. A hearing was scheduled for April 15, 2019. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-02625-JTT. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter and in a companion appeal. The consolidated appeal hearing is set for April 15, 2019. On April 5, 2019, the employer, through James Moehle, ADP Unemployment Hearing Consultant, filed a written request to withdraw the appeal in the companion appeal matter, Appeal Number 19A-UI-02625-JTT. On April 10, 2019, Mr. Moehle clarified and confirmed during a recorded telephone call with the administrative law judge that the employer's withdrawal of the appeal was intended to include the present matter. The request to withdraw the appeal was filed 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 concludes that the appealing party's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The March 18, 2019, reference 03, decision that held the claimant was eligible for benefits effective February 24, 2019 provided she met all other eligibility requirements, based on the deputy's conclusion that the claimant was able to work and available for work, remains in effect. The hearing set for April 15, 2019 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs