

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JORGE A MONTES CLAUSEN
Claimant

APPEAL 21A-UI-11832-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CITY COMMUNITY SCHOOL DIST
Employer

**OC: 03/28/21
Claimant: Respondent (6)**

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.19(38) – Total, Partial, Temporary Unemployment
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the employer/appellant from the Iowa Workforce Development representative's decision dated April 28, 2021 (reference 02) that found the claimant was eligible for unemployment insurance benefits and that this employer would not be charged for benefits paid. A hearing was scheduled for July 16, 2021. During the hearing, the appellant/employer requested the appeal be withdrawn on the record.

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 on the hearing record on July 16, 2021. The underlying decision appealed allowed benefits to the claimant, provided he was otherwise eligible and found that no charges would accrue to this employer's account.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

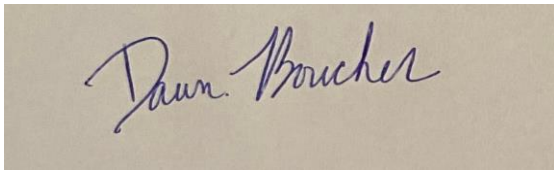
An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The appellant/employer has made a request on the record to withdraw the appeal. The administrative law judge has reviewed the record and concludes that the request of the appealing party to withdraw the appeal should be approved.

Note to Employer: Separations from employment or refusal to work may be reported online at <https://uiclaims.iwd.iowa.gov/EmployerSeparation/>

DECISION:

The decision of the representative dated April 28, 2021 (reference 02) that found the claimant was eligible for benefits, provided he met all other eligibility requirements, and that this employer's account would not be charged for benefits paid shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing scheduled for July 16, 2021 is cancelled.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

July 27, 2021
Decision Dated and Mailed

db/mn