

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DENNIS L HOHBACH**  
Claimant

**HY-VEE INC**  
Employer

**APPEAL 19A-UI-05133-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 5/26/19  
Claimant: Appellant (6)**

Iowa Code §96.5(2)a – Discharge for Misconduct  
Iowa Code §96.5(1) – Voluntary Quit  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On June 26, 2019, the claimant filed an appeal from the June 19, 2019, (reference 01) unemployment insurance decision that denied benefits based upon his discharge for violation of a known company rule. A telephone hearing was scheduled for July 22, 2019 at 1:00 p.m. At the time of the scheduled hearing date, the appellant requested the appeal be withdrawn.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was made by the appellant, on the record, at the scheduled hearing time.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated June 19, 2019, (reference 01) is approved. That decision shall stand and remain in full force and effect.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/rvs