

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

NORA RANGEL
Claimant

APPEAL NO. 19A-UI-05457-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SMITHFIELD FRESH MEATS CORP
Employer

OC: 06/09/19
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 26, 2019, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on May 30, 2019 for no disqualifying reason. A hearing was scheduled for August 1, 2019. The employer representative, Becky Jacobsen, and the claimant, Nora Rangel, both appeared at the time of the hearing. Prior to the presentation of evidence, the employer requested that the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing was set for 1:00 p.m. on August 1, 2019. Becky Jacobsen appeared on behalf of the employer. After the administrative law judge gave the opening statement, and before the presentation of evidence, Ms. Jacobsen made an on-the-record request to withdraw the employer's appeal. The request was part of the recorded proceeding. The request was made 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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 reviewed the administrative file and concludes that the employer's timely request to withdraw the appeal should be approved

DECISION:

The employer's request to withdraw the appeal is approved. The June 26, 2019, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on May 30, 2019 for no disqualifying reason, remains in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs