

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTONIO ALVEZ-NUNEZ
Claimant

SWIFT PORK COMPANY
Employer

APPEAL 20A-UI-11287-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/24/20
Claimant: Respondent (6)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the employer from the Iowa Workforce Development representative's decision dated August 3, 2020 (reference 01) that found the claimant was eligible for benefits as he was on a short-term layoff. A hearing was scheduled for November 4, 2020 at 10:00 a.m. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn in writing.

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 in writing to the Appeals Bureau on October 9, 2020.

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:

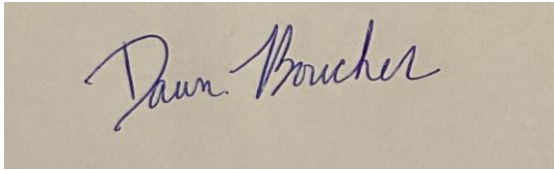
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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 in writing 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.

DECISION:

The decision of the representative dated August 3, 2020 (reference 01) that found the claimant was eligible for benefits as he was on a short-term layoff 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 November 4, 2020 at 10:00 a.m. is cancelled.



Dawn Boucher
Administrative Law Judge

October 13, 2020
Decision Dated and Mailed

db/rr