

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GREGORY M MCCLEARY
Claimant

APPEAL 18A-UI-08373-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/24/18
Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Able and Available
Iowa Code § 96.4(7) – Reemployment Services
Iowa Admin. Code r. 871-24.2(1)e – Failure to Report
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from the representative's decision dated July 31, 2018 (reference 02) that found claimant was not eligible for unemployment insurance benefits effective July 29, 2018 due to a failure to report for a reemployment and eligibility assessment. A hearing was scheduled for August 27, 2018. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

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 August 10, 2018.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the record and file herein and concludes that the request of the appealing party to withdraw the appeal should be approved. The hearing scheduled for August 27, 2018 at 11:00 a.m. is cancelled.

DECISION:

The decision of the representative dated July 31, 2018 (reference 02) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect. The hearing scheduled for August 27, 2018 at 11:00 a.m. is cancelled.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs