

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSE J DOWNS
Claimant

APPEAL NO. 17A-UI-07951-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLIED CONSTRUCTION SERVICES
Employer

**OC: 07/16/17
Claimant: Appellant (6)**

Iowa Code Section 96.5(1) – Voluntary Quit
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Jesse Downs filed an appeal from the July 31, 2017, reference 01, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on the claims deputy's conclusion that Mr. Downs voluntarily quit on July 10, 2017 without good cause attributable to the employer. A hearing was scheduled for August 23, 2017. At the time set for the hearing, Mr. Downs requested to withdraw his appeal.

FINDINGS OF FACT:

Claimant Jess Downs is the appellant in this matter. The appeal hearing was set for August 23, 2017 at 9:00 a.m. At that time, the administrative law judge contacted Mr. Downs for the hearing. As the administrative law judge was attempting to get the employer for the hearing, Mr. Downs blurted out that he wanted to withdraw the appeal. Because it was the time of the hearing, the administrative law judge asked Mr. Downs to stay on the line while the administrative law judge got the employer. The administrative law judge told Mr. Downs that he would be able to say his piece once the employer had joined the call. The administrative law judge's goal was to get a fuller statement of the request to withdraw the appeal and to confirm that the request to withdraw the appeal was voluntary. While the administrative law judge waited for the employer to answer the call, Mr. Downs hung up his phone. Once the administrative law judge added the employer to the call, the administrative law judge attempted to contact Mr. Downs, but Mr. Downs did not answer. On the second attempt to reach Mr. Downs, the administrative law judge left a message for Mr. Downs indicating acceptance of the request to withdraw the appeal, and advising Mr. Downs that he should have handled the request differently.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 concludes that the claimant/appellants' request to withdraw the appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The July 31, 2017, reference 01, decision that disqualified the claimant for benefits and that relieved the employer's account of liability for benefits, based on the claims deputy's conclusion that the claimant voluntarily quit on July 10, 2017 without good cause attributable to the employer, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs