

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SUE A SMITHBURG

Claimant

APPEAL NO. 19A-UI-09341-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LOWE'S HOME CENTERS LLC

Employer

OC: 11/10/19

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 a timely appeal from the November 21, 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 November 8, 2019 for no disqualifying reason. A hearing was scheduled for December 20, 2019. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing was set for December 20, 2019. On December 20, 2019, prior to the appeal hearing, the employer's representative of record filed a request to withdraw the employer's appeal. The request was submitted 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 administrative law judge has reviewed the administrative file and concludes that the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The November 21, 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 November 8, 2019 for no disqualifying reason, remains in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn