

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALLISON N HOCKING
Claimant

APPEAL 21A-UI-07236-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TLC THE LEARNING CENTER
Employer

OC: 06/07/20
Claimant: Respondent (6)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.7(2)a(2) – Same Base Period Employment
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed by the employer/appellant from the Iowa Workforce Development representative's decision dated March 8, 2021 (reference 01) that found the claimant was eligible for unemployment insurance benefits and that the employer's account would not be charged for benefits paid. A hearing was scheduled for May 19, 2021 at 8:00 a.m. Prior to the hearing being held, the appellant/employer requested the appeal be withdrawn on the record.

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 on the record on May 19, 2021.

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:

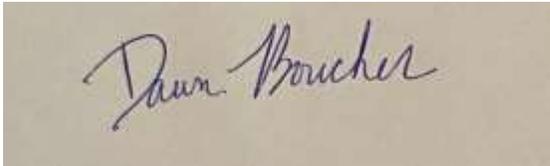
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided 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 on the record 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 March 8, 2021 (reference 01) that found the claimant was eligible for benefits and that the employer's account will not be charged for benefits paid 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 May 19, 2021 is cancelled.

A rectangular area containing a handwritten signature in cursive script that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

May 26, 2021
Decision Dated and Mailed

db/ol