

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANN M ALMOND
Claimant

APPEAL NO. 20A-UI-07490-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HUMBOLDT COUNTY MEMORIAL
HOSPITAL**
Employer

OC: 05/10/20
Claimant: Respondent (6)

Iowa Code Section 96.4(3) – Able & Available
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the June 30, 2020, reference 01, decision that allowed benefits to the claimant beginning March 22, 2020, provided she was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but on a short-term layoff. A hearing was scheduled for August 11, 2020. Claimant Ann Almond appeared. Denise Flattery appeared on behalf of the employer. Prior to the presentation of evidence, the employer requested that the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appealing party in this matter. The claimant has established an original claim for benefits that was effective March 22, 2020 and made weekly claims for the period between March 22, 2020 and May 23, 2020. The employer did not intend to appeal allowance of benefits for that period. The employer's request to withdraw the appeal was made before the administrative law judge entered a decision 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 June 30, 2020, reference 01, decision that allowed benefits to the claimant beginning March 22, 2020, provided she was otherwise eligible, based on the deputy's conclusion that the claimant was able to work, available for work, but on a short-term layoff, shall stand. Because the claimant discontinued her claim with the week that ended May 23, 2020, that is the effective reach of the June 30, 2020, reference 01, decision.



James E. Timberland
Administrative Law Judge

August 20, 2020
Decision Dated and Mailed

jet/scn