

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HTAY WINHTOO
Claimant

SWIFT PORK COMPANY
Employer

APPEAL 20A-UI-10173-AD-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Appellant (6)

Iowa Code § 96.4(3) – Eligibility – A&A – Able to, available for, work search
Iowa Admin. r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

On August 25, 2020, Htay Winhtoo (claimant/appellant) filed an appeal from the Iowa Workforce Development decision dated August 12, 2020 (reference 01) that denied benefits based on a finding claimant was still employed for the same hours and wages as in the contract of hire and was therefore not partially unemployed.

A telephone hearing was held on October 7, 2020 at 2:30 p.m. The parties were properly notified of the hearing. Claimant participated personally and with the assistance of a Burmese-language interpreter. Swift Pork Company (employer/respondent) did not register a number for the hearing and did not participate. At that time, claimant indicated he had to leave for work shortly. The hearing was therefore rescheduled for October 23, 2020 at 1:30 p.m.

A hearing was held at that time, with claimant again participating personally and with the assistance of a Burmese-language interpreter. Official notice was taken of the administrative record. Employer did not register a number for the hearing and did not participate.

Appellant withdrew his appeal on the record.

ISSUE:

Whether the request to withdraw the appeal should be granted.

FINDINGS OF FACT:

The appellant requested to withdraw the appeal on the record during the hearing on October 23, 2020. Claimant chose to withdraw the appeal after learning he had been allowed Pandemic Unemployment Assistance (PUA) in a decision dated October 16, 2020.

This decision does not impact claimant's eligibility for PUA. If claimant has questions about his eligibility for PUA, he may contact the department.

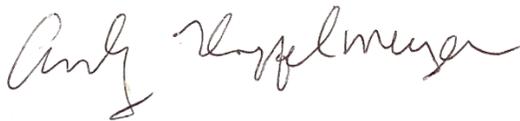
REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). An oral request must be tape-recorded by the presiding officer. *Id.*

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The appealing party's request to withdraw the appeal of the August 12, 2020 (reference 01) that denied benefits based on a finding claimant was still employed for the same hours and wages as in the contract of hire and was therefore not partially unemployed is APPROVED. That decision shall stand and remain in full force and effect.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

October 26, 2020
Decision Dated and Mailed

abd/scn