

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JUAN C RODRIGUEZ**  
Claimant

**APPEAL 20A-UI-13287-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 05/24/20**  
**Claimant: Appellant (6)**

Iowa Code § 96.4(3) – Able and Available  
Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

On October 22, 2020, the claimant filed an appeal from the October 14, 2020, (reference 01) unemployment insurance decision that denied REGULAR, state unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was scheduled for December 18, 2020. Before the hearing was held, claimant withdrew the appeal.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has requested to withdraw the appeal of the decision that denied REGULAR, state unemployment insurance benefits. Claimant submitted the request verbally and it was recorded by the administrative law judge. On November 5, 2020, claimant was approved for Pandemic Unemployment Assistance effective May 17, 2020, a time period which covers all of the benefits claimant has received.

**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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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.

The administrative law judge has reviewed the records and files and concludes that claimant's request to withdraw the appeal should be approved.

**DECISION:**

Claimant's request to withdraw the appeal of the unemployment insurance decision dated October 14, 2020, (reference 01) is approved. The decision denying REGULAR, state unemployment insurance benefits shall stand and remain in effect. Claimant is eligible for PUA benefits effective May 17, 2020.



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Christine A. Louis  
Administrative Law Judge  
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Fax (515)478-3528

December 31, 2020  
Decision Dated and Mailed

cal/scn