

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

TANIA AIA
Claimant

APPEAL NO: 19A-UI-04369-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HOLLANDER SLEEP PRODUCTS LLC
Employer

OC: 05/05/19
Claimant: Respondent (6)

Iowa Code §96.4(3) – Able to and Available
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated May 24, 2019, reference 01. A hearing was scheduled for June 21, 2019. The employer/appellant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

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 verbally and recorded. The employer/appellant and the claimant sat together at a computer while the employer/appellant helped the claimant/respondent type and file an appeal on May 28, 2019, to a representative's decision dated May 24, 2019, reference 02. The employer/appellant was typing the appeal and, therefore, entered the employer/appellant's name when it meant to enter the claimant/respondent's name as the appellant. The Appeal's Bureau received the appeal from the employer/appellant, saw that the representative's decision dated May 24, 2019, reference 02, was not adverse to the employer/appellant. It scheduled an appeal hearing for representative's decision dated May 24, 2019, reference 01, which was adverse to the employer/appellant.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds the request of the appellant should be 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

An appeal hearing on representative's decision dated May 24, 2019, reference 02, will be scheduled on July 5, 2019, at 9:00 a.m. Notices will be sent to the parties.

DECISION:

The representative's May 24, 2019, decision (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.

An appeal hearing on representative's decision dated May 24, 2019, reference 02, will be scheduled on July 5, 2019, at 9:00 a.m. Notices will be sent to the parties.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs