

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENDRA L ANDERSON
Claimant

APPEAL NO. 18A-UI-04447-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELCOME WAY INC
Employer

OC: 04/09/17
Claimant: Appellant (6)

Iowa Code Section 96.5(2) – Discharge for Misconduct
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Kendra Anderson filed an appeal from the April 9, 2018, reference 01, decision that disqualified her for unemployment insurance benefits and that relieved the employer's account of liability for benefits based on the Benefits Bureau deputy's conclusion that Ms. Anderson was discharged on March 23, 2018, for conduct not in the best interest of the employer. A hearing was scheduled for May 3, 2018. Ms. Anderson registered a telephone number and appeared at the time of the hearing. The employer appeared at the time of the hearing through representative Beverly Maez of Employer's Unity and witness Danny Edwards. Toward the end of the opening statement and before any testimony was taken, Ms. Anderson requested to withdraw her appeal.

FINDINGS OF FACT:

Claimant Kendra Anderson is the appellant in this matter. The appeal hearing was set for May 3, 2018 at 3:00 p.m. Ms. Anderson, the employer representative and the employer witness appeared by telephone at that time. Prior to the end of the opening statement, Ms. Anderson told the administrative law judge that she had found a new job and wanted to withdraw her appeal. Ms. Anderson confirmed that no one had pressured her to withdraw her appeal. Ms. Anderson's request to withdraw the appeal was made before a decision was entered 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. 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 concludes that Ms. Anderson's request to withdraw her appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The April 9, 2018, reference 01, decision that disqualified her for unemployment insurance benefits and that relieved the employer's account of liability for benefits based on the Benefits Bureau deputy's conclusion that the claimant was discharged on March 23, 2018 for conduct not in the best interest of the employer, shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn