

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANNY J BUCKLIN**  
Claimant

**APPEAL NO: 14A-UI-13197-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CITY OF NEWTON**  
Employer

**OC: 12/08/13**  
**Claimant: Respondent (6/R)**

871 IAC 26.8(1) - Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The Appeals Bureau understood the employer appealed a representative's December 17, 2014 determination (reference 01) that held the claimant qualified to receive receiving benefits and the employer's account subject to charge because the claimant had been laid off due to a lack of work. Even though the employer did not disagree that the claimant was eligible to receive benefits, the employer appealed because as a seasonable employee, the claimant must reapply for a job the next season. The employer wanted the Department to decide if the claimant was required to actively look for work before he could receive benefits. Currently, the clamant is not required to look for work.

The claimant participated at the January 20, 2014 hearing. Katrina Davis, a human specialist, appeared on the employer's behalf. Since the employer did not object to the claimant's receipt of benefits, the employer withdrew its appeal from the December 17, 2014 determination, but understood the issue of whether the claimant was required to look for work would be remanded to the Benefits Bureau to determine. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

At the January 20, 2014 hearing the employer withdrew its appeal from a representative's December 17, 2014 determination (reference 01). The employer's January 20, 2014 withdrawal request was recorded.

Since the claimant is a seasonal employee and must reapply to work for the employer, the employer wanted the Benefits Bureau to issue a determination indicating the claimant must actively look for work in order to receive benefits.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 recorded by the presiding officer.

The employer's request to withdraw this appeal is approved. The issue of whether the claimant is required to actively look for work will be remanded to the Benefits Bureau to determine.

**DECISION:**

The representative's December 17, 2014 determination (reference 01) is affirmed. The employer's withdrawal request is approved. This means that based on the reasons for his employment separation, the claimant remains qualified to receive benefits. The employer's account is subject to charge.

The issue of whether the claimant is required to actively look for work or whether his work search requirements are waived is **Remanded** to the Benefits Bureau to decide and issue a written determination to both the claimant and employer.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs