

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MARK MAUK**  
Claimant

**APPEAL 19A-UI-08827-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES-IOWA INC**  
Employer

**OC: 10/06/19**  
**Claimant: Respondent (6)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
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 November 7, 2019, Temp Associates-Iowa, Inc. (employer/appellant) filed an appeal from an unemployment insurance decision dated October 31, 2019, reference 02, which allowed unemployment insurance benefits based on the determination Mark Mauk (claimant) had not been notified in writing that he needed to request work within three days of the end of his assignment. A hearing was scheduled for December 4, 2019. Prior to the hearing being held, the agency issued an amended decision dated November 12, 2019, reference 03, which denied the claimant unemployment insurance benefits and relieved the appellant's account of charges. The appellant requested the appeal be withdrawn as the appealed decision had been amended in its favor.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge finds that: A request has been made by the appealing party to withdraw the appeal as the agency has issued a subsequent decision with a finding in its favor. The request has been submitted in writing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

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. The issues appealed were resolved in the appellant's favor prior to the hearing being held.

**DECISION:**

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated October 31, 2019, reference 02, is approved as it has been amended by the November 12, 2019, reference 03, decision in the appellant's favor.

The hearing scheduled on December 4, 2019, at 2:00 p.m. is cancelled. If the claimant disagrees with the decision issued on November 12, 2019, reference 03, which denied benefits, he will need to file an appeal to that decision for a new hearing to be scheduled.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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