

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICHOLAS J PETERSON
Claimant

B&G FOODS NORTH AMERICA INC
Employer

APPEAL 22A-UI-08639-DH-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/06/22
Appellant: Respondent (6)

Iowa Code § 96.5(1) - Voluntary Quit
Iowa Code § 96.5(2)a - Discharge for Misconduct
Iowa Code § 96.3(7) - Overpayment
Iowa Admin. Code r. 871-24.10 - Employer Participation in Fact Finding
Iowa Admin. Code r. 871-26.8(1) - Withdrawals

STATEMENT OF THE CASE:

Employer/appellant, B&G Foods North America, Inc., filed an appeal from the March 30, 2022, (reference 01) unemployment insurance decision that granted benefits due to a 03/04/22 dismissal for unsatisfactory work, which unsatisfactory work is not misconduct. After proper notice, a telephone hearing was conducted on May 17, 2022. Claimant, Nicholas Peterson, did not participate. Employer participated through Wanda Kellogg, human resources specialist. Judicial notice was taken of the administrative record, including the appeal and its attachments.

The employer's concern in their appeal was claimant should not receive unemployment benefits in March 2022, since he received wages in that month. Employer advised claimant has only filed for benefits three times in March 2022, filed no other benefit claim. Claimant also reported payments received and therefore did not collect any unemployment benefits for his March 2022, claims. Employer decided they wanted to withdraw their appeal in 22A-UI-08639-DH-T since claimant has received no benefits to date on this matter. Appellant withdrew their appeal on the record. Appellant also asked if the decision could also be mailed to their Ankeny address, which is added on this decision.

ISSUE:

Whether the request to withdraw the appeal should be granted.

FINDINGS OF FACT:

The appellant requested to withdraw the appeal in 22A-UI-08639-DH-T on the record during the hearing on May 17, 2022.


REASONING AND CONCLUSIONS OF LAW:

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). An oral request must be tape-recorded by the presiding officer. *Id.*

Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The appealing party's request to withdraw the appeal of the March 30, 2022, (reference 01) unemployment insurance decision is approved. That decision shall stand and remain in full force and effect.



Darrin T. Hamilton
Administrative Law Judge

June 29, 2022
Decision Dated and Mailed

dh/scn