

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALEXANDER L FISCHER
Claimant

HY-VEE INC
Employer

APPEAL 20A-UI-12877-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (6)

Iowa Admin. Code r. 871-24.23(10) – Eligibility – Availability - Leave of Absence
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

STATEMENT OF THE CASE:

On October 18, 2020, Alexander Fischer (claimant/appellant) filed an appeal from the October 9, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 19, 2020 placed on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on December 10, 2020. The parties were properly notified of the hearing. Claimant participated personally. Hy-Vee Inc. (employer/respondent) participated by HR Manager Joe Van Arsdale and was represented by Hearing Representative Barbara Buss. Appellant withdrew his appeal on the record.

ISSUE:

Whether the request to withdraw the appeal should be granted.

FINDINGS OF FACT:

The appellant requested to withdraw the appeal on the record during the hearing on December 10, 2020. Subsequent to the appeal but prior to the hearing, the Department determined claimant was eligible for Pandemic Unemployment Assistance (PUA). Because claimant has been allowed PUA and cannot simultaneously collect both PUA and regular, state unemployment benefits, he chose to withdraw his appeal of the October 9, 2020 decision finding him ineligible for state benefits.

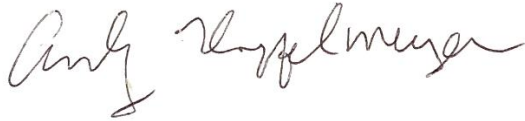
REASONING AND CONCLUSIONS OF LAW:

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 October 9, 2020 (reference 01) unemployment insurance decision that denied benefits as of April 19, 2020 is APPROVED. That decision shall stand and remain in full force and effect.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

December 18, 2020
Decision Dated and Mailed

abd/mh