

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HOMER A MARTZ
Claimant

SANDE CONSTRUCTION AND SUPPLY
Employer

APPEAL 18A-UI-11046-NM
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/07/18
Claimant: Appellant (6)

Iowa Code §96.5(2)a – Discharge for Misconduct
Iowa Code §96.5(1) – Voluntary Quit
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 1, 2018, (reference 01) unemployment insurance decision that denied benefits based upon his discharge for conduct not in the best interest of the employer. A hearing was scheduled for December 19, 2018 at 1:00 p.m. in Fort Dodge, Iowa. Prior to the scheduled hearing date, the appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: The appealing party requested to withdraw the appeal. The request was submitted in writing and was verified by the appellant.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. 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.

DECISION:

The request of the appealing party to withdraw the appeal of the unemployment insurance decision dated November 1, 2018, (reference 01) is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled on December 19, 2018, at 1:00 p.m. in Fort Dodge, Iowa is canceled.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs