

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**KEVIN RAMIREZ**

Claimant

**APPEAL 22A-UI-07580-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/16/22**

**Claimant: Appellant (6)**

---

Iowa Code § 96.4(3) – Ability to and Availability for Work  
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:**

Claimant/Appellant, Kevin Ramirez filed an appeal from the March 4, 2022 (reference 02) unemployment insurance decision that allowed benefits. (The decision was favorable to claimant).

After proper notice, a telephone hearing was scheduled for May 5, 2022. The claimant appeared personally. The administrative law judge hearing the case was Jennifer Beckman. David Steen, administrative law judge, observed for training purposes. After a brief pre-hearing discussion, claimant clarified it was not intended to file an appeal to the reference 02 decision, but rather the reference 03 and 04 decisions.

The claimant requested to withdraw the appeal and the request was recorded using the Appeals Bureau conference call software. Claimant's appeal to the reference 03 and 04 decisions is addressed in Appeals 22A-UI-11128-JC-T and 22A-UI-11129-JC-T.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that: The claimant requested to withdraw the appeal and the request was recorded using the Appeals Bureau conference call software.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

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.

**DECISION:**

The unemployment insurance decision dated March 4, 2022, (reference 02) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.



---

Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

May 19, 2022  
Decision Dated and Mailed

jlb/scn