

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHANE MANFULL
Claimant

APPEAL 20A-UI-15814-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RS STOVER COMPANY
Employer

**OC: 10/11/20
Claimant: Appellant (6R)**

Iowa Code § 96.3(5) – Benefit Duration - Business Closing
Iowa Admin. Code r. 871-24.29(1) and (2) – Business Closing
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 12, 2020, the claimant filed an appeal from the November 10, 2020, (reference 01) unemployment insurance decision that denied extended benefits based on a business closure. The parties were properly notified about the hearing. A telephone hearing was scheduled for January 28, 2021. Before a hearing was held, claimant withdrew the appeal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge finds that: Claimant has requested to withdraw the appeal of the decision that denied extended benefits based on a business closure. Claimant submitted the request verbally and it was recorded by the administrative law judge.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

The administrative law judge has reviewed the records and files and concludes that claimant's request to withdraw the appeal should be approved.

However, the administrative law judge notes that claimant is ALLOWED regular unemployment insurance benefits for 26 weeks and has been filing his weekly claims, as seen in KCCO. For some reason, payment has not been released to claimant. This matter will be remanded to the Benefits Bureau so those payments can be released to claimant.

DECISION:

Claimant's request to withdraw the appeal of the unemployment insurance decision dated November 10, 2020, (reference 01), is approved. The decision denying claimant extended business closure benefits shall stand and remain in full force and effect.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development to release payment of the regular unemployment insurance benefits for which claimant has filed weekly claims (as seen in KCCO) as soon as possible (if that has not already been done).



Christine A. Louis
Administrative Law Judge
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1000 East Grand Avenue
Des Moines, Iowa 50319-0209
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February 12, 2021
Decision Dated and Mailed

cal/bd