

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ELANY MCINTYRE
Claimant

APPEAL NO. 21A-UI-06179-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LONE MOUNTAIN TRUCK LEASING LLC
Employer

OC: 11/22/20
Claimant: Respondent (6)

Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated February 17, 2021, reference 01. A hearing was scheduled for May 5, 2021. Prior to the hearing being held, appellant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted verbally. Employer believed that the decision entered may have covered a different period of time than employer believed should have been covered. It was explained to employer that the question of whether a claimant is able and available to work is not a question determined by employer. Claimant was determined not to be able and available for work during the dates between November 22 and December 26, 2020.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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

No hearing shall be held in this matter.

DECISION:

The decision of the representative dated February 17, 2021, reference 01, 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. The hearing set for May 5, 2021 at 3:00pm is hereby cancelled.



Blair A. Bennett
Administrative Law Judge

May 13, 2021
Decision Dated and Mailed

bab/kmj