

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWN GOODSIDE

Claimant

APPEAL NO. 19A-UI-07382-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WASTE MANAGEMENT OF IOWA INC

Employer

OC: 08/25/19

Claimant: Appellant (6)

Iowa Code Section 96.5(2)(a) – Discharge for Misconduct
Iowa Administrative Code Rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Shawn Goodside filed a timely appeal from the September 16, 2019, reference 01, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that Mr. Goodside was discharged on August 27, 2019 for violation of a known company rule. A hearing was scheduled for October 9, 2019. Mr. Goodside appeared by telephone with his legal counsel, Mark King. Before the administrative law judge had an opportunity to contact the employer for the hearing, Mr. King and Mr. Goodside requested that the appeal be withdrawn.

FINDINGS OF FACT:

Claimant Shawn Goodside is the appellant in this matter. The appeal hearing was set for October 9, 2019. When the administrative law judge contacted Mr. Goodside and his legal counsel, Mark King, for the hearing, Mr. King advised that Mr. Goodside was reemployed and wished to withdraw his appeal in this matter. Mr. Goodside confirmed that the request to withdraw the appeal was a knowing and voluntary request. The request to withdraw the appeal was made during a recorded phone call and prior to a decision being entered in connection with the appeal. Immediately after speaking with Mr. King and Mr. Goodside about the request to withdraw the appeal, the administrative law judge notified the employer's representative of record, Amanda Lang, that the appeal was withdrawn and the appeal hearing was cancelled.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 administrative file and concludes that Mr. Goodside's timely, knowing, and voluntary request to withdraw his appeal should be approved.

DECISION:

The claimant's request to withdraw the appeal is approved. The September 16, 2019, reference 01, decision that disqualified the claimant for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that the claimant was discharged on August 27, 2019 for violation of a known company rule, remains in effect. The hearing set for October 9, 2019 is cancelled.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs