

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KERRY R OSGERBY**  
Claimant

**WALMART INC.**  
Employer

**APPEAL 21A-UI-09164-DZ-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 01/10/21**  
**Claimant: Respondent (6)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview  
Iowa Admin. Code r. 871-26.8(1) – Withdrawals

**STATEMENT OF THE CASE:**

Walmart Inc., the employer/appellant, filed an appeal from the March 16, 2021 (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was scheduled for June 16, 2021 at 9:00 a.m. Ms. Osgerby requested the hearing be rescheduled due to the death of one of her family members. The hearing was rescheduled to July 20, 2021 at 9:00 a.m. Prior to the new hearing date, the employer submitted a written request to withdraw the appeal.

**ISSUE:**

Should the employer's request to withdraw its appeal be granted?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer requested to withdraw the appeal. The request was submitted in writing and sent via fax on June 16, 2021. The Iowa Workforce Development Unemployment Insurance Appeals Bureau received the written withdrawal of appeal on June 16, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

An appellant may submit a written request to withdraw an appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1). Based on the available record in the appeal file, and in accordance with the applicable statutes and rules, the employer's request to withdraw its appeal should be approved.

**DECISION:**

The employer's request to withdraw its appeal of the March 16, 2021 (reference 01) unemployment insurance decision is approved. That decision shall stand and remain in full force and effect.

The hearing scheduled for July 20, 2021 at 9:00 a.m. is cancelled.



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Daniel Zeno  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

June 30, 2021  
Decision Dated and Mailed

dz/lj