

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
GAYLORD E VICTORA Claimant	APPEAL NO: 11A-UI-11616-DWT
WAL-MART STORES INC Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 07/31/11 Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's August 26, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged or nondisqualifying reasons. A hearing was scheduled on September 26, 2011. The claimant appeared for the hearing. The employer did not respond to the hearing notice or participate in the hearing. After the hearing had been closed, the administrative law judge received a fax from the employer's representative, TALX, requesting that the employer's appeal be withdrawn in this matter. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The employer's representative, TALX, faxed the employer's withdrawal request on September 23, 2011. The administrative law judge was not informed about the withdrawal request until after the scheduled 8 a.m. September 26 hearing had been closed.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The employer's request to withdraw its appeal is approved.

DECISION:

The representative's August 26, 2011 determination (reference 01) is affirmed. The employer's withdrawal request is approved. The claimant remains qualified to receive benefits and the employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs