

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALICIA A MCARTHUR
Claimant

APPEAL NO: 09A-UI-03049-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 1/28/09
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Wal-Mart Stores, Inc. (employer) appealed a representative's February 11, 2009 decision (reference 01) that concluded Alicia A. McArthur (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A hearing was scheduled for March 18, 2009. Prior to the hearing being held, the employer made a request to withdraw its appeal. Based on the employer's withdrawal request, the administrative file 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, made a request to withdraw the employer's appeal. The request was faxed on March 9, 2009.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 February 11, 2009 decision (reference 01) is affirmed. The decision granting benefits to the claimant remains in effect.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css