

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

RUTH C CALHOON
205½ E 20TH
SOUTH SIOUX CITY NE 68776

WAL-MART STORES INC
C/O TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166 0283

Appeal Number: 05A-UI-11960-DWT
OC: 10/23/05 R: 01
Claimant: Appellant (6)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

Ruth C. Calhoon (claimant) appealed a representative's November 18, 2005 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Wal-Mart Stores, Inc. (employer) would not be charged because the claimant had voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. A hearing was scheduled on December 12, 2005. Prior to the hearing, the claimant made a request to withdraw her appeal. Based on the claimant'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 claimant appealed a representative's November 18, 2005 decision that disqualified the claimant from receiving benefits as of October 23, 2005. On December 12, 2005, a representative's decision held the claimant was qualified to receive unemployment insurance benefits as of October 23, 2005, because the claimant earned ten times her weekly benefits amount after the disqualifying July 6, 2005 employment separation but before she filed her claim for benefits. Based on the December 12, 2005 decision holding the claimant eligible to receive benefits, the claimant withdrew her appeal from the November 18, 2005 decision. The claimant's withdrawal request was tape-recorded.

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.

Based on a representative's December 12, 2005 decision, the claimant's request to withdraw her appeal is approved.

DECISION:

The representative's November 18, 2005 decision (reference 02) is affirmed. Since the claimant requalified to receive benefits by earning ten times her weekly benefits, the claimant's withdrawal request is approved. As a result of the December 12, 2005 decision, the claimant is qualified to receive unemployment insurance benefits as of October 23, 2005, provided she meets all other eligibility requirements. The employer's account will not be charged.

dlw/tjc