

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DUSTIN L HOLTZ
Claimant

WAL-MART STORES INC
Employer

APPEAL 18A-UI-01567-TN-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/14/18
Claimant: Appellant (6)

Iowa Code §96.5(2)(a) – Discharge for Misconduct
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Code Ch. 96 – Iowa Employment Security Act
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal
Iowa Admin. Code r. 871-26.11 – Motions

STATEMENT OF THE CASE:

The claimant, Dustin Holtz, filed an appeal from an unemployment insurance decision dated January 31, 2018, reference 01, which denied benefits. An in-person hearing was requested. The appeal hearing was scheduled on March 2, 2018, at 3:00 p.m., in Sioux City, Iowa. On March 1, 2018, the claimant/appellant submitted a request to withdraw this appeal. The withdrawal request was submitted in writing, via email. The hearing was canceled due to this appeal withdrawal.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The claimant, the appealing party, requested to withdraw the appeal. He submitted a written request to “drop” his appeal scheduled for March 2nd at 3:00 pm. The appeal withdrawal was submitted to the Appeals Bureau via email on March 1, 2018. The in-person hearing was canceled due to this appeal withdrawal.

REASONING AND CONCLUSIONS OF LAW:

An appellant may withdraw his or her appeal at any time prior to the issuance of a decision. Iowa Admin. Code r. 871-26.8(1).

Based on the available record, and in accordance with the applicable statutes and rules, the request of the appealing party to withdraw the appeal should be approved.

DECISION:

The appealing party's withdrawal of this appeal of the unemployment insurance decision dated January 31, 2018, reference 01, is approved. That decision shall stand and remain in full force and effect. The in-person hearing scheduled on March 2, 2018 at 3:00 p.m. is canceled.

Terence P. Nice
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

Decision Dated and Mailed

ec/rvs