

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAMILLE D ANDREWS
Claimant

APPEAL NO. 12A-UI-07795-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 06/03/12
Claimant: Respondent (6)

Section 96.5(2)(a) - Discharge
871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 21, 2012, reference 01, decision that allowed benefits. A hearing was scheduled for July 19, 2012. Claimant Camille Andrews appeared and provided testimony. The employer did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. After the hearing record closed, but prior to entry of a decision, the employer/appellant requested that the appeal be withdrawn.

ISSUE:

At issue in this matter is whether the appellant herein should be allowed to withdraw its appeal.

FINDINGS OF FACT:

The employer is the appealing party. A hearing was scheduled for July 19, 2012. Claimant Camille Andrews appeared and provided testimony. The employer did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Later in the day on July 19, after the hearing record closed, but prior to entry of a decision, the employer/appellant faxed a request that the appeal be withdrawn.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 administrative law judge has reviewed the records and files herein and concludes that the appealing party's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The Agency representative's June 21, 2012, reference 01, decision that allowed benefits shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw