

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DEBRA J KENT DEAN
Claimant

WALMART INC
Employer

APPEAL 22A-UI-01264-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/14/21
Claimant: Respondent (6)

Iowa Code § 96.5(2)a – Discharge from Employment
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation in Fact-Finding
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

On December 13, 2021, employer Wal-Mart, Inc., filed an appeal from a representative's decision dated December 3, 2021 (reference 01). A telephonic hearing was scheduled for 2:00 p.m. on Friday, February 4, 2022. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

ISSUE:

Should the request to withdraw the appeal be granted?

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the appealing party to withdraw the appeal. The request has been submitted in writing. The administrative law judge received the employer's written and faxed request to withdraw the appeal on February 4, 2022.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 request of the appealing party to withdraw the appeal should be approved.

DECISION:

The decision of the representative dated December 3, 2021 (reference 01) is affirmed. The request of the appealing party to withdraw the appeal is approved, and the decision of the representative shall stand and remain in full force and effect.



Elizabeth A. Johnson
Administrative Law Judge

February 22, 2022
Decision Dated and Mailed

lj/lj