

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAUL E CURL
Claimant

WALMART INC
Employer

APPEAL NO. 20A-UI-02512-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/16/20
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the March 12, 2020, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on February 17, 2020 for no disqualifying reason. A hearing was scheduled for May 8, 2020. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing was initially set for April 30, 2020 and both parties were properly notified. At the time of the hearing set for April 30, 2020, claimant's counsel was unavailable to proceed, due to a medical emergency. The hearing was rescheduled by agreement to 2:00 p.m. on May 8, 2020. On May 7, 2020, the employer's third-party representative of record, Talx/Equifax filed a written request to withdraw the employer's appeal. The request was submitted before a decision entered in connection with the appeal.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-26.8(1) provides:

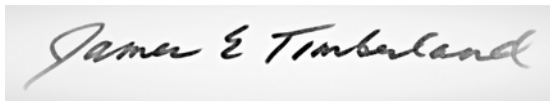
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The administrative law judge concludes that the employer's request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The March 12, 2020, reference 01, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on February 17, 2020 for no disqualifying reason, shall remain in effect. The hearing set for May 8, 2020 is cancelled.



James E. Timberland
Administrative Law Judge

May 8, 2020
Decision Dated and Mailed

jet/scn