

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DIANNA K MULVANIA**  
Claimant

**APPEAL NO. 15A-UI-01809-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAMILY DOLLAR SERVICES INC**  
Employer

**OC: 08/24/14**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the February 2, 2015, reference 02, decision that allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged for benefits; based on an Agency conclusion that the claimant's discharge on January 16, 2015 was not based on a current act of misconduct. A hearing was scheduled for March 11, 2015. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.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 is set for March 11, 2015. On March 6, 2015 the employer/appellant's representative of record, Equifax/Talx, faxed to the Appeals Section a request to withdraw the appeal. The request was submitted prior to a decision being 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 February 2, 2015, reference 02, decision that allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged for benefits, based on the January 16, 2015 discharge shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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