

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIFFANY A DIXON
Claimant

D OF C FOODS INC
Employer

APPEAL NO: 12A-UI-08067-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/29/11
Claimant: Appellant (6)

871 IAC 26.8(5) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 8, 2012, reference 05, that held she voluntarily quit part-time work without good cause attributable to her employer on December 15, 2011, but she was eligible for benefits based on wages earned with other employers. A telephone hearing was scheduled for July 31, 2012. The claimant and Karla Kammerer-Shedd, HR Generalist, for the employer was available to participate.

ISSUE:

Whether claimant's request to withdraw her appeal should be approved.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: UI Appeals considered claimant's appeal from employment separation at Wal-Mart on May 12, 2012 to include an appeal in this matter. The department decision in this matter is favorable to claimant. Her benefit eligibility is based on her employment separation from Wal-Mart and the wages she earned from Durham D & M LLC for the period from 2011 through 2012. Claimant's request to withdraw her appeal is recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 concludes claimant's request to withdraw her appeal is approved.

The claimant did not intend to appeal her employment separation from the employer in this matter and the department issued a favorable decision to her on this issue.

DECISION:

The department decision dated June 8, 2012, reference 05, is affirmed. The department decision that allows claimant benefits by reason of her employment December 15, 2011 separation remains in force and effect.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css