

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**TRACY M LARRIMORE**  
Claimant

**APPEAL 17A-UI-04397-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COSTCO WHOLESALE CORPORATION**  
Employer

**OC: 03/12/17  
Claimant: Respondent (6)**

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Iowa Code Ch. 17A – Iowa Administrative Procedure Act  
Iowa Code Ch. 96 – Iowa Employment Security Act  
Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed by the employer from a representative's decision dated April 12, 2017, (reference 01) which allowed benefits to the claimant. A hearing was scheduled for May 15, 2017. Present for the hearing were the claimant and attorney, Erik Bair. The employer participated by way of David Pierce and Nicole Olsen. At the time of hearing, and before testimony was initiated, the employer, by way of David Pierce, stated it its intent to withdraw the appeal.

**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 verbally and recorded.

**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**(1)** An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 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 has reviewed the records and files herein and concludes that the request of the appealing party to withdraw the appeal should be approved.

**The scheduled hearing for May 15, 2017 is cancelled.**

**DECISION:**

The decision of the representative dated April 12, 2017, (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.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/rvs