

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DALE A MARSH  
1509 N FRANKLIN APT 1  
MANCHESTER IA 52057

WAL-MART STORES INC  
DBA WAL-MART  
1220 W MAIN  
MANCHESTER IA 52057

STEVEN J DRAHOZAL  
ATTORNEY AT LAW  
799 MAIN ST. SUITE 280  
DUBUQUE IA 52004-0833

WAL-MART STORES INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

871 IAC 26.8(1) - Withdrawal of Appeal

#### STATEMENT OF THE CASE:

An appeal was filed by the claimant, Dale A. Marsh, from a representative's decision dated April 25, 2005, reference 02. A hearing was scheduled for June 8, 2005 at 11:05 a.m. Prior to the hearing being held, the appellant, by his representative, Steven J. Drahozal, attorney at law, requested the appeal be withdrawn.

#### FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: A request has been made by the representative of the appealing party to withdraw the appeal. The request has been submitted in writing.

Appeal Number: 05A-UI-04488-RT  
OC: 04-03-05 R: 04  
Claimant: Appellant (6)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

#### STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

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 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 April 25, 2005, reference 02, 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. The claimant is not entitled to receive unemployment insurance benefits, until or unless he requalifies for such benefits.

gkr/pjs