

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEPH N KARSTEN
Claimant

APPEAL NO: 11A-UI-10313-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 06/19/11
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer appealed a representative's July 21, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant quit this employment for reasons that qualify him to receive benefits. A hearing was scheduled on August 30, 2011. The claimant appeared for the hearing. The administrative law judge had no knowledge the employer responded to the hearing notice or participated in the hearing.

After the hearing had been concluded, the administrative law judge received a copy of the employer's withdrawal letter. Based on the employer's withdrawal request, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The employer faxed the Appeals Section a withdrawal request after 5 p.m. on August 29. The employer had appealed a representative's July 21, 2011 determination, but requested that its appeal be withdrawn prior to the scheduled hearing.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The representative's July 21, 2011 determination (reference 01) is affirmed. The employer's request to withdraw its appeal is approved. This means the claimant remains qualified to receive benefits as of June 19, 2011, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs