

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSCELA D HOLLOWAY
Claimant

APPEAL NO. 10A-UI-14424-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 09/05/10
Claimant: Respondent (1)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the October 8, 2010, reference 01, decision that allowed benefits. A hearing was scheduled for December 8, 2010. The claimant appeared for the hearing. The employer did not respond to the hearing notice instructions and did not participate in the hearing. The hearing was held in the record closed. On December 10, 2010, after the hearing record had closed but before a decision had been entered, the employer submitted a written request to withdraw the appeal.

FINDINGS OF FACT:

The employer is the appellant. A decision has not been entered based on the employer's appeal. The employer has submitted a written request to withdraw the appeal.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 employer's request to withdraw the appeal is approved. The Agency representative's October 8, 2010, reference 01, decision that allowed benefits shall remain in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css