

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SCOTT A WESTFALL
Claimant

WALMART INC
Employer

APPEAL NO. 19A-UI-07751-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/01/19
Claimant: Respondent (6)

Iowa Code Section 96.5(2)(a) - Discharge
Iowa Administrative Code rule 871-26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the September 23, 2019, reference 01, decision that allowed benefits to the claimant provided he met all other eligibility requirements and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on August 14, 2019 for no disqualifying reason. A hearing was scheduled for October 23, 2019 and the parties were properly notified. The claimant did not register a telephone number for the hearing and did not participate. The employer registered a telephone number for the hearing and named Drake Miller as the employer's representative for the hearing. However, at the time of the hearing, the named employer representative was not available at the telephone number the employer registered for the hearing. After the hearing record closed, the employer filed a written request to withdraw the appeal.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing was set for October 23, 2019. After the hearing record closed, and before the administrative law judge entered a decision in connection with the appeal, the employer filed a written request to withdraw the appeal.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 tape-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 administrative file and concludes the employer's request to withdraw the appeal should be granted.

DECISION:

The employer's request to withdraw the appeal is approved. The September 23, 2019, reference 01, decision that allowed benefits to the claimant provided he met all other eligibility requirements and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on August 14, 2019 for no disqualifying reason, remains in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/scn