

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LESLIE F MCGLOWN
Claimant

DOLGENCORP LLC
Employer

APPEAL NO. 22A-UI-02603-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/28/21
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 December 29, 2021, reference 01, decision that held the claimant was eligible for benefits, provided the claimant met all other eligibility requirements, and that the employer's account could be charged, based on the deputy's conclusion that the claimant was discharged on November 29, 2021 for no disqualifying reason. A hearing was scheduled for February 22, 2022. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

ISSUE:

Should the appellant's request to withdraw the appeal be granted.

FINDINGS OF FACT:

The employer is the appellant in this matter. The hearing is set for February 22, 2022. On February 18, 2022, the employer, through its representative of record, submitted a written request to withdraw the appeal. The request was submitted before the administrative law judge entered a decision in connection with 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief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 concludes that the employer/appellant's timely request to withdraw the appeal should be approved.

DECISION:

The employer's request to withdraw the appeal is approved. The December 29, 2021, reference 01, decision that held the claimant was eligible for benefits, provided the claimant met all other eligibility requirements, and that the employer's account could be charged, based on the deputy's conclusion that the claimant was discharged on November 29, 2021 for no disqualifying reason, remains in effect. The hearing set for February 22, 2022 is cancelled.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

March 10, 2022

Decision Dated and Mailed

jet/abd