

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHIP R JONES

Claimant

APPEAL NO. 09A-UI-11139-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

Original Claim: 02/08/09

Claimant: Appellant (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated July 28, 2009, reference 04, that disqualified him from receiving any benefits the week ending February 28, 2009 due to receiving vacation pay. A hearing was held on August 18, 2009. Prior to the end of the hearing, the claimant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn.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 appealing party to withdraw the appeal. The request has been made orally that has been recorded. When the claimant realized that he did not disagree with the department decision, as he had reported his vacation pay the week ending February 28, he withdrew his appeal. The decision did not cause any overpayment, as the claimant correctly reported the vacation pay he received.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 July 28, 2009, reference 04, 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 disqualified for the week ending February 28, 2009, due to receiving vacation pay.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw