

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KILEY S ROCKAFELLOW
Claimant

APPEAL NO. 14A-UI-10114-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 08/31/14
Claimant: Respondent (6)

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the September 19, 2014, reference 01, decision that allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged for benefits, based on an Agency conclusion that the claimant had been discharged for no disqualifying reason. After due notice was issued, a hearing was held on October 17, 2014. Claimant Kiley Rockafellow participated. Shane Anderson represented the employer. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant and received Exhibits One, Two and Three into evidence. The administrative law judge took official notice of the fact-finding materials for the limited purposes of determining whether the employer participated and whether the claimant engaged in fraud or dishonesty. After the hearing record closed, but before the administrative law judge entered a decision, the employer filed a written request to withdraw the appeal.

FINDINGS OF FACT:

The employer is the appellant in this matter. A telephone hearing took place on October 17, 2014 at 8:00 a.m. Shane Anderson represented the employer and was the employer's sole witness. Claimant Kiley Rockafellow participated. The administrative law judge received evidence from both parties and closed the record when the presentation of evidence had been completed. After the hearing record closed, the employer, through Equifax Workforce Solutions, filed a written request to withdraw the appeal. At the time the request to withdraw the appeal was filed, the administrative law judge had not yet entered a decision.

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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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

DECISION:

The employer's request to withdraw the appeal is approved. The decision dated September 19, 2014, reference 01, which allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged for benefits, remains in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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