

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WESLEY DEMKE

Claimant

APPEAL NO. 10A-UI-11416-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

OC: 07-04-10

Claimant: Appellant (6)

Section 96.5-1 – Voluntary Leaving
871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated August 3, 2010, reference 01. A hearing was scheduled for September 29, 2010. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

ISSUE:

The issue is whether the appeal should be withdrawn because the claimant has earned ten times his weekly benefit amount and has requalified for benefits.

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 because he has earned ten times his weekly benefit amount and has requalified for benefits and the appeal is no longer necessary. The request has been submitted verbally and has been recorded.

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(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 because the claimant has earned ten times his weekly benefit amount and has requalified for benefits.

DECISION:

The decision of the representative dated August 3, 2010, reference 01, is affirmed. The request of the appealing party to withdraw the appeal is approved. The claimant has earned ten times his weekly benefit amount since his separation from this employer and has requalified for benefits.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw