

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LJILJANA KRVAVAC
Claimant

APPEAL NO. 15A-UI-02745-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 01/18/15
Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

The employer filed an appeal from the February 19, 2015, 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 on January 21, 2015 for no disqualifying reason. A hearing was scheduled for April 6, 2015. A few hours before the hearing was to occur, the employer/appellant requested that the appeal be withdrawn. Workforce Development had secured Bosnian-English interpreter Janja Pavetic-Dickey to assist with the hearing. The claimant was available for the hearing. The administrative law judge utilized the assistance of the interpreter to explain withdrawal of the appeal, and its impact on the claimant's eligibility for benefits, to the claimant.

FINDINGS OF FACT:

The employer is the appellant in this matter. The appeal hearing was for April 6, 2015 at 3:45 p.m. At 10:51 a.m. on April 6, 2015, the employer's representative of record, Equifax/Tax faxed a request to withdraw the appeal. The request was made before a decision had been entered 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- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned.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 Agency representative's February 19, 2015, 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 the January 21, 2015 discharge shall remain effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs