

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COLIN J COOPER
Claimant

APPEAL NO. 10A-UI-09537-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELIE'S SOUTH OF THE BORDER LLC
Employer

OC: 05/16/10
Claimant: Appellant (2)

Section 96.5-1-a – Quit for Other Employment

STATEMENT OF THE CASE:

Colin J. Cooper filed a timely appeal from an unemployment insurance decision dated June 30, 2010, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held August 23, 2010, with Mr. Cooper participating. Sandy Welch participated for the employer, Elie's South of the Border.

ISSUE:

Did the claimant leave work to accept other employment?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Colin J. Cooper was employed as a cook by Elie's South of the Border from April 28, 2008, until he resigned May 12, 2010, to accept employment with Wal-Mart. Wal-Mart then terminated Mr. Cooper's employment before he was able to begin work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-a allows unemployment insurance benefits to an individual who resigns in order to accept other employment. It also relieves the first employer of charges for benefits. In the present case, the evidence establishes that Mr. Cooper left employment with Elie's South of the Border after being hired by Wal-Mart. No disqualification should be imposed on Mr. Cooper. No benefits should be charged to the account of this employer.

DECISION:

The unemployment insurance decision dated June 30, 2010, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. No benefits shall be charged to the account of Elie's South of the Border.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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