

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID OLDAKER

Claimant

APPEAL NO: 11A-UI-04421-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

INTERSTATE BRANDS CORP

Employer

OC: 10-24-10

Claimant: Appellant (4)

Section 96.5-1 a – Voluntary Leaving – Other Employment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 1, 2011, reference 02, decision that denied benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 28, 2011. The claimant participated in the hearing. Rick Cokemueller, Divisional Sales Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment to accept employment elsewhere.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time sales representative for Interstate Brands from January 18, 2011, to March 11, 2011. The employer had continuing work available. The claimant was hired by Old Dutch Company and gave the employer a two-week resignation notice. An old injury flared up and he notified Old Dutch shortly before he was scheduled to start his new employment and although his injury did not prevent him from performing either job Old Dutch rescinded its job offer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment to accept employment elsewhere.

Iowa Code section 96.5-1-a provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Even though the separation was without good cause attributable to the employer and would, standing alone, disqualify the claimant from receiving benefits, he did leave in order to accept other employment at Old Dutch and relied on that job offer in making his decision to leave the employer. Accordingly, benefits are allowed and the account of Interstate Brands shall not be charged.

DECISION:

The April 1, 2011, reference 02, decision is modified in favor of the appellant. The claimant voluntarily left his employment in order to accept other employment. Benefits are allowed provided the claimant is otherwise eligible. The account of this employer shall not be charged.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css