

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

LAMONT D TAYLOR  
1424½ GAINES ST  
DAVENPORT IA 52804

FAMILY DOLLAR SERVICES INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-11456-CT  
OC: 09/12/04 R: 04  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)a – Quit for Other Employment

STATEMENT OF THE CASE:

Lamont Taylor filed an appeal from a representative's decision dated October 11, 2004, reference 02, which denied benefits based on his separation from Family Dollar Services, Inc. After due notice was issued, a hearing was held by telephone on November 17, 2004. Mr. Taylor participated personally. The employer participated by Tarryn Barrett, Area Human Resources Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Taylor was employed by Family Dollar Services from

October 9, 2002 until July 20, 2004. He worked full time unloading trucks. Because of the distance he had to travel for the work, he sought other employment. Prior to leaving Family Dollar Services, he was offered work with IBP. Mr. Taylor notified the employer that he was leaving because he had accepted other work. He worked for IBP for approximately one month prior to filing his claim for job insurance benefits effective September 12, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Taylor was separated from employment for any disqualifying reason. The evidence of record satisfies the administrative law judge that he left his employment to accept work with IBP. Inasmuch as he had performed services in the new employment prior to filing his claim for job insurance benefits, benefits are allowed pursuant to Iowa Code section 96.5(1)a. Family Dollar Services will not be charged for benefits paid as a result of the decision herein.

#### DECISION:

The representative's decision dated October 11, 2004, reference 02, is hereby reversed. Mr. Taylor quit his employment in good faith to accept other employment where he performed services. Benefits are allowed, provided he satisfies all other conditions of eligibility. Family Dollar Services will not be charged for benefits paid to Mr. Taylor

cfc/tjc