

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

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Decision No. 6584-C

MISCELLANEOUS: 60.15
Benefit computation factors-
Benefit year.

Date: February 26, 1975

This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-74-2835), dated November 14, 1974.

ISSUE

Was the claimant's initial claim for unemployment compensation correctly dated within the meaning of Section 60.1-6 and Section 60.1-8 of the Code of Virginia (1950), as amended, and Regulation VII C of the Rules and Regulations Affecting Unemployment Compensation issued by the Virginia Employment Commission?

FINDINGS OF FACT AND OPINION

The findings of fact of the Appeals Examiner are hereby adopted by the Commission.

This case has come before the Commission for a review of the transcript of evidence taken before the Appeals Examiner. After having reviewed the entire record and decision of the Examiner, the Commission is of the opinion that the decision should be affirmed, and hereby sustains and affirms the same.

The claimant has stated that he requested the employee of the Commission to inform him when it would be most advantageous to file his claim for unemployment benefits. There is nothing in the Act which would mandate the Commission to inform the claimant when it would be monetarily most beneficial to file his claim. For obvious reasons the Commission should not attempt to advise a claimant when it would be most beneficial to file his claim. If, for example, the Commission had advised this claimant to delay several weeks in filing his claim in order to be monetarily eligible for a higher weekly benefit amount or a longer duration and the claimant followed such advice, he may have been offered a suitable job in the interim. If he took the job he would no longer be unemployed and would lose several weeks of benefits

by having failed to file his claim. If he refused the job, he might be disqualified from receipt of benefits under Section 60.1-58 (c) for having failed to accept suitable work when offered him. In either event, seemingly innocent advice by the Commission as to the monetarily most beneficial time to file a claim would work to the actual monetary detriment of the claimant.

Furthermore, to do what the claimant desires would in effect cause the Commission to make a predetermination monetary determination for each calendar quarter in which the claimant could conceivably file a claim for benefits based on past earnings. This, of course, would be administratively unfeasible and in the long run would delay payments to claimants.

In view of the fact that there is no mandate to advise the claimant as to when it will be most beneficial to file his claim and in further view that the Commission correctly determined the claimant's monetary eligibility, the decision of the Appeals Examiner is affirmed.

DECISION

The decision of the Appeals Examiner, which held that the claimant was entitled to a weekly benefit amount of \$80 for a duration of 18 weeks effective September 22, 1974, based upon a base period from April 1, 1973, through March 31, 1974, is hereby affirmed.