

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

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Decision No: UCX-30

Date: August 18, 1967

SUITABLE WORK: 265.25  
Interview and acceptance -  
Failure to accept or secure  
job offered

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This is a matter before the Commission on appeal by the claimant from the decision of the Appeals Examiner (No. UCX-346-345) dated June 26, 1967.

ISSUES

- (1) Has the claimant been available for work during the week or weeks for which he claims benefits?
- (2) Did the claimant, without good cause, fail to apply for available, suitable work when so directed by the Commission, or to accept suitable work when offered him?

FINDINGS OF FACT

The claimant last served as a member of the United States Army and was honorably discharged on February 28, 1967. On March 16, 1967, the claimant filed his claim for benefits and was paid benefits for a period of five weeks, through May 2, 1967. On May 9, 1967, the claimant was given a referral for work as a service station attendant. The position paid a salary plus commission, and the employer was willing to train an applicant who was sincerely interested in obtaining employment. The prospective employer advised the Commission that during the interview, the claimant stated that he did not know when he could go to work and he would consider the application if the employer gave him one. The employer further advised that the claimant did not appear to be interested in obtaining employment, but gave the impression that he was fulfilling an obligation by applying for the job.

OPINION AND DECISION

The Virginia Unemployment Compensation Act, § 60-47(c), provides a disqualification if an individual fails, without good cause, either to apply for available, suitable work when so directed by the Employment Office or the Commission, or to accept suitable work when offered him. The requirement that the individual apply for available, suitable work when so directed by the Employment Office contemplates an earnest attempt to obtain such employment, and the requirements are not met when the individual simply approaches the prospective employer and does not indicate a sincere desire to obtain the position.

The Commission is of the opinion that by his conduct and obvious insincerity, the claimant did not apply for available, suitable work when so directed. (Under-scoring Supplied.)

The remainder of the Commission Decision is omitted inasmuch as it is not pertinent to the issue in this case.