



DECISION OF COMMISSION

In the Matter of

Marilyn L. Helms  
[REDACTED]

School Board  
City of Norfolk  
Norfolk, Virginia 23501

Employer

Date of Appeal

To Commission: February 27, 1979

Date of Hearing: May 22, 1979

Decision No.: 12075-C

Date of Decision: May 23, 1979

Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the claimant from the decision of the Appeals Examiner (No. UI-79-720), dated February 14, 1979.

ISSUE

Did the claimant leave work voluntarily without good cause as provided in Section 60.1-58(a) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

Rosemont Junior High School in Norfolk, Virginia was the claimant's last employer where she had worked as a teacher from October, 1974 through June 13, 1978. On June 5, 1978 the claimant was offered a contract for the following school year at a salary of approximately \$10,000. She did not accept the contract because she had been offered a position with Marymount College in Arlington, Virginia.

The claimant testified that during May, 1978 Marymount College offered her a position as Assistant Coordinator of a work study program which was to be funded by a federal grant. She was told that the position would pay a salary of \$17,000 to \$19,000 depending upon the funding. The college explained to the claimant that they anticipated that the federal funds would be forthcoming and that she would be able to start work some time in July, 1978. The federal funds were not appropriated

for the program, however, so the claimant could not go to work in the position with Marymount College.

Section 60.1-58(a) of the Code of Virginia provides a disqualification if it is found that an individual has left work voluntarily without good cause. The Appeals Examiner applied the correct standard in this case, cited in the case of Tillery v Washington Concrete Products (October 24, 1957), in which the Commission stated:

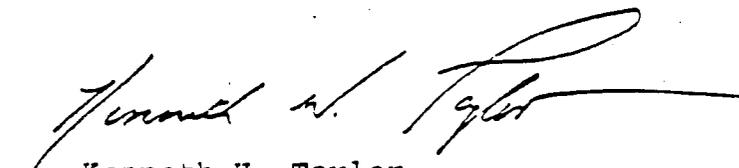
"'good cause' has been consistently construed to embrace a claimant's decision to change from one job to another where he has a reasonable expectation of improving himself or where he deemed such a change to be for his own best interest. If the job to which he transfers is permanent, or he has a reasonable basis for believing it to be, and he has actually obtained the job, in contrast to mere anticipation of securing it, his leaving must be deemed to be with 'good cause'."

The record is clear that the claimant understood that her beginning work in the position with Marymount College was contingent upon the College's securing the federal funds. Since the position had not been funded as of June, 1978 when the claimant relinquished her job with the City of Norfolk, it was no more than an expectancy of a position. The claimant's decision to relinquish the job with the school board was an understandable one, but since the position had not been funded at the time of her leaving, it cannot be maintained that she had actually obtained new employment prior to leaving. Accordingly, the claimant must bear the risk of whether or not the position would be funded by the federal government. (Underscoring supplied)

In view of the above, it is the opinion of the Commission that the claimant left work voluntarily but without good cause as that term has been interpreted by the Commission.

DECISION

The decision of the Appeals Examiner is hereby affirmed.



Kenneth H. Taylor  
Assistant Director of Appeals