

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

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Decision No.: 7863-C

VOLUNTARY LEAVING: 500.5
Wages - Low

Date: June 2, 1976

This is a matter before the Commission on appeal by the claimant from the decision of the Appeals Examiner (No. UI-76-1604), dated April 7, 1976.

ISSUE

Did the claimant voluntarily leave her last employment without good cause within the meaning of §60.1-58 (a) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

The claimant had been employed by Clinch Valley Lanes from November 15, 1972, through January 20, 1976. She was performing janitorial-type work, being paid at the rate of \$2.00 per hour for a fifty-six hour work week.

When the claimant, who is sixty-four years old, learned that the employer had hired a boy as a new helper for \$2.30 per hour, she complained that she was being underpaid for the heavy work she was performing. The employer agreed, then, to pay her \$2.25 per hour, recognizing that her work was difficult. After working for several days, expecting that she was earning the promised \$2.25 per hour, the claimant was informed by the employer that because of economics, he would pay her at the rate of only \$2.00 per hour. The claimant then resigned because of her low wages.

An employment service representative has testified that the prevailing wage rate for work in the area similar to that which the claimant was performing is \$2.30 per hour.

§60.1-58 (a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found a claimant left work voluntarily without good cause.

It has been repeatedly held that the claimant would have good cause for leaving work if it were determined that the job was unsuitable employment. In determining whether or not any work is suitable, the Commission shall consider, among other things, whether or not the wages being paid to

a claimant are substantially less favorable to the individual than those prevailing for similar work in the area. The \$2.00 per hour which the claimant in this case was receiving is thirteen percent less than the prevailing wage rate, which clearly is substantially less favorable to her than the wages prevailing in the area. It therefore must be concluded that the work was unsuitable and the claimant had good cause for leaving.

DECISION

The decision of the Appeals Examiner disqualifying the claimant for benefits for having left work voluntarily without good cause is hereby reversed.

The Deputy is instructed to determine whether or not the claimant was meeting the eligibility requirements of the Act during any weeks for which benefits have been claimed.