

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF APPEALS EXAMINER

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Decision No: S-5074-4971
Date: March 25, 1957

VOLUNTARY LEAVING - 500.4
Wages: Increase refused

POINTS AT ISSUE

- (1) Did the claimant voluntarily quit his employment without good cause?
- (2) Has the claimant been available for work during the week or weeks for which he claims benefits?

FINDINGS OF FACT

The claimant appealed from a decision which disqualified him from February 8, 1957, through March 28, 1957, and reduced the total amount of potential benefits by seven times the weekly benefit amount, for voluntarily quitting his last employment without good cause.

The claimant had been employed by the Hotel Raleigh and his predecessor for approximately 31 years. For approximately four years prior to his separation he worked as a doorman from 7:30 A. M. to 10 A. M. and from 3:30 P. M. to 6 P. M., six days per week. According to the claimant, this was not a fixed schedule as he remained as long as there was activity. On the last day he worked he was notified by the Manager of the Hotel that his hours of work were being changed and he would be expected to work from 7:30 A. M. to 11:30 A. M., and from 3:30 P. M. to 8:30 P. M., six days per week. His salary had been \$10.00 per week and he was told he would not receive any increase in pay. After the Manager had notified him, he went to see one of the owners of the firm, who told him to go on back to work. He reported and at that time was told by the Manager that he was not getting any increase in pay; he then telephoned the person who had employed him and was told he would have to abide by the information furnished him by the Manager. His tips amounted to approximately \$3.00 per week.

During the period that he has been claiming, the claimant has applied to employers who might use his services. He is 74 years of age and is willing to accept doorman or any other similar work.

OPINION

Section 60-46 (c) of the Virginia Unemployment Compensation Act provides that a claimant must be able to work and available for work.

Although this claimant is 74 years of age, he is willing to accept the type of work he has been performing or any other similar work and has been applying to employers for work. The Commissioner for the Unemployment Compensation Commission of Virginia, in Decision No. 382-C, dated September 21, 1948, held that, even though a claimant's age naturally limits his ability to find suitable employment, so long as he is not beyond the age to engage in some useful occupation and is anxious to find work, he meets the availability requirements of the Act.

The evidence in this case before the Examiner indicates that, even though the claimant is of advanced age, nevertheless he is anxious and willing to find and accept suitable work. He has applied to employers with whom he might reasonably find suitable work and does not place any undue restrictions upon his employability.

Section 60-47 (a) of the Act provides a disqualification if it is found that an individual voluntarily leaves his work without good cause.

This claimant has worked for one employer and his predecessor for a number of years; for approximately four years he worked five hours a day, 6 days per week, receiving \$10.00 a week and earning about \$3.00 in tips. His hours of work were being increased to nine hours per day, for which he would not receive any increase in pay. In view of the low wage the claimant was receiving, the Examiner is of the opinion that this claimant had good cause for voluntarily leaving his employment when his hours of work were nearly doubled. He made reasonable efforts to retain his employment; therefore, the Examiner finds that this claimant did have good cause for voluntarily leaving his last employment and is not subject to the disqualifying provisions of the Act. (Underscoring supplied)

DECISION

That portion of the Deputy's decision, disqualifying the claimant from February 8, 1957, through March 28, 1957, and reducing the total amount of potential benefits by seven times the weekly benefit amount, for voluntarily quitting his last employment without good cause, is hereby reversed.

It is held that the claimant has met the eligibility requirements of the Act from February 1, 1957, through March 21, 1957, the date of the hearing before the Examiner.