

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

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Decision of Commissioner

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In the Matter of

Fannie M. Weaver, Claimant
Claim #25
[REDACTED]

Ideal Laundry & Dry Cleaners
Roanoke, Virginia

Employer

Appeal from Examiner

Date of Appeal: September 30, 1957

Date of Hearing: October 10, 1957

Decision No.: 3153-C

Date of Decision: October 16, 1957

Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. S-5753-5638) dated September 27, 1957.

ISSUE

Did the claimant voluntarily leave her last employment without good cause?

OPINION AND DECISION

The Commission, after reviewing the entire record of the testimony taken by the Examiner, and the additional evidence presented before the Commission by the claimant, is convinced that the claimant is actively and unrestrictively seeking suitable employment in the area where she resides. Her efforts to find employment are indicative of her desire to work and the requirements of Section 60-46(c) is satisfied.

The principal issue in this claim, however, arises in connection with the claimant's separation from her last employer. The claimant gave the following as her reasons for separation on her claims form:

"I could not do the work, the work was too hard."

At her hearing before the Examiner, and on rehearing before the Commission the claimant produced a doctor's statement which read:

"TO WHOM IT MAY CONCERN: September 23, 1957

This is to certify that I have examined Mrs. Fannie Weaver this morning and find that she has an allergic rhinitis. She is particularly sensitive to quick

changes in temperature but except for this she is perfectly able to work.

/s/ Fred E. Hamlin, M. D. "

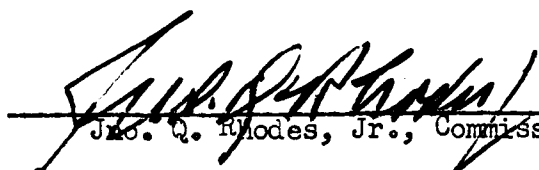
The claimant was employed as a towel folder in a laundry. Her hours of work were from 7:00 A. M. until 4:30 P. M., Monday through Friday. She was employed on May 27, 1957, and left August 2, 1957. On the last day the claimant worked she and her forelady had a disagreement over the work assignment and the claimant did not report to work thereafter. She gave no notice to her employer.

Undoubtedly the claimant was dissatisfied with her work. She repeatedly refers to that fact in her testimony before both the Examiner and the Commissioner. This dissatisfaction apparently stemmed from a number of factors including "fussing back and forth" between the claimant and her forelady, the fact that the claimant was not experienced in laundry work, and the fact that she felt she was being "mistreated."

Section 60-47(a) of the Virginia Unemployment Compensation Act provides a disqualification for seven weeks where the claimant leaves work without good cause. In construing the meaning of "good cause" this Commission has repeatedly held that clear evidence that a particular type of work is detrimental to a claimant's health manifestly renders such work unsuitable for the claimant and hence is good cause for leaving such work. This Commission has also been consistent, however, in requiring that a claimant make every effort which a reasonable person desirous of retaining his employment would pursue before electing to leave.

The evidence presented by the claimant in this case does not clearly show that the work was detrimental to her health or safety, and the claimant did not communicate with her employer to ascertain whether or not she could be given different work. She gave no notice of her leaving and did not present the employer with her reasons so that he might have the opportunity to consider making possible adjustments.

The claimant's abrupt decision to leave was not pursuant to a doctor's order, nor does the statement she presented suggest that he recommended her leaving. She made no efforts to locate other employment before electing to become unemployed. For these reasons this Commission concludes that the claimant has not carried the burden of showing that her leaving was for "good cause" as that term is used in Section 60-47(a). The claimant is held available for work from August 7, 1957, the date she filed for benefits, through October 10, 1957, the date of her hearing before the Commission. The decision of the Examiner is hereby affirmed, disqualifying the claimant from August 14, 1957 through October 1, 1957 and reducing her potential benefits accordingly for having voluntarily left work without good cause.


J. Q. Rhodes, Jr., Commissioner