UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF APPEALS EXAMINER

Decision No.: D-5962; A.E.-4175

ABLE AND AVAILABLE - 235.2
Health or physical condition -
Hearing, speech, or vision

Date: October 16, 1951

POINT AT ISSUE

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 of the Claims Deputy
which declared him ineligible for unemployment compensation as of
September 17, 1951. The Deputy held in his decision that the claimant
did not meet the requirement of being able and available for work.

This claimant has been blind for more than fifteen years. For
the past eleven years he has been employed by Mr. Harvey F. Gay, as a
cross-cut saw operator. After he had an injury in the course of his em-
ployment he looked for another job and took work with Mr. Howard Williams,
another saw-mill operator. Mr. Williams gave him all the work he had, but
due to the claimant's blindness, he was unable to perform the necessary
duties in connection with his work. The claimant filed his additional
claim on September 17, 1951, and stated he was thereafter available for
work and had been looking for a job. He went back to work with his former
employer, Mr. Gay, on October 8, 1951, and was working as of the date of
the hearing.

OPINION

The record in this case clearly shows that this claimant has been
blind for a number of years; however, during this time, he has worked and
earned wage credits. Although the Deputy was of the opinion that this claim-
ant did not meet the eligibility requirement of the Act because of his
limited availability due to blindness. I do not think this in itself elimin-
ated him from the labor market. It is true that this was a restriction
upon his employability; however, this restriction did not prevent him from
securing work. In view of this the Examiner is of the opinion that this
claimant was able and available for work from September 17, 1951, up to the
date he went to work, October 8, 1951.

DECISION

The decision of the Deputy is hereby reversed.