

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF APPEALS EXAMINER

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

ABLE AND AVAILABLE - 235.2

Date: October 16, 1951

Health or physical condition -
Hearing, speech, or vision

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 employment 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 claimant did not meet the eligibility requirement of the Act because of his limited availability due to blindness. I do not think this in itself eliminated 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.