

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF APPEALS EXAMINER

---oOo---

Decision No: IS-1648-1622
Date: November 16, 1956

ABLE AND AVAILABLE - 365
Prospect of Work

POINT AT ISSUE

Has the claimant been available for work during the week or weeks for which she claims benefits?

FINDINGS OF FACT

The claimant appealed from a determination of the Interstate Deputy which declared her ineligible for unemployment compensation from September 28, 1956, through October 4, 1956. The claimant's most recent employment was with Davies Laboratories, Inc., Riverdale, Maryland, where she worked from June 11, 1956, to August 22, 1956, and was paid separation pay through August 31, 1956. The employer submitted information to the effect that the claimant was separated because of her inability to handle the job.

Previously the claimant had been employed by Melpar, Incorporated, Falls Church, Virginia, from June 13, 1955, until June 8, 1956. In this employment the claimant worked as a contract administration officer, which is a job associated with concerns that receive and handle government contracts, for which she was paid at an annual rate of approximately \$4,800.00.

The claimant filed a claim for benefits against the State of Virginia on September 7, 1956, at Silver Springs, Maryland. She was given credit for her week of waiting-period and paid for two consecutive weeks, through the week ending September 27, 1956. When she submitted her continued claim for the week ending October 4, 1956, she indicated she had made no further efforts to find employment since she had already contacted all of the places which could offer her work in line with her previous experience. This was later substantiated by her testimony at the hearing on her appeal when the claimant stated her reasons for not making such contacts were because she had previously filed applications and she merely recontacted the same employers by telephone. For the weeks ending October 11, and October 18, 1956, the claimant filed continued claims and indicated she had contacted two or more employers in each week. As a result of these contacts the claimant secured work as a real estate salesman and began working October 22, 1956, on a commission basis. She was still working as of the date of the hearing on her appeal.

OPINION

Section 60-46 (c) of the Virginia Unemployment Compensation Act provides in part that, to be eligible for benefits, a claimant must be available for work. Generally, to be considered available for work, among other things, a claimant must show that she is actively and earnestly searching for suitable work and is ready and willing to accept employment without attaching undue restrictions to her employability.

Although it is the contention of the claimant that she advised the Maryland Employment Service at the time of filing her claim, she expected to devote her efforts to finding work similar to her last job through the end of October. If, by that time, she was unable to secure such employment, she would be willing to take some other kind of work until such a job might develop. It has consistently been held that, when an individual becomes unemployed and files a claim for benefits, she shall be given a reasonable time to find employment utilizing her highest skill or in line with her previous work experience; however, this is predicated on the assumption that such work opportunities exist in the area where she lives or to which she might commute. As her period of unemployment progresses and such work is not found, then the individual in order to continue her eligibility must be willing to accept any other suitable employment which she might find or which might be offered to her.

By this claimant's own admission work in her usual line is rather limited in the area in which she resides, and as a rule is extremely difficult to find during the months of September and October. Since the claimant was aware of this and since she had already contacted all the companies which could offer her such employment, failing to be successful in obtaining any firm commitments, the Examiner is of the opinion that she then should have made some effort to find other employment, either permanent or temporary, until such time as a more desirable opening might develop. Under these conditions the Examiner feels that the claimant's lack of effort in trying to find other employment during the week in question clearly indicates that she was not making an active search for work, but was merely following up on applications which had previously been filed and which, according to her statements, were not likely to develop until after the first of November. Since the records indicate that the claimant did seek other employment for the weeks subsequent to the one in question and up to the time she secured employment, the Examiner feels that she had demonstrated an attachment to the labor market during those weeks. (Underscoring supplied)

DECISION

The determination of the Deputy is hereby affirmed. It is held that the claimant did not meet the eligibility requirements of the Act from September 28, 1956, through October 4, 1956.

It is held further that the claimant did meet the eligibility requirements of the Act from October 5, 1956, up to October 22, 1956, when she became employed.