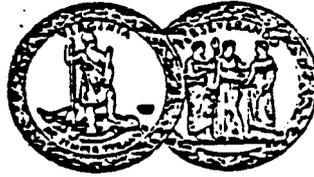


COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION

ABLE & AVAILABLE: 40
Attendance at School
or Training Course.



DECISION OF COMMISSION

In the Matter of

Wanda D. Bellamy, Claimant
████████████████████

Giant Food, Inc.
Washington, D. C.

Date of Appeal

To Commission: June 22, 1984

Date of Review: July 28, 1984

Place: RICHMOND, VIRGINIA

Decision No.: 23725-C

Date of Decision: July 28, 1984

Date of Mailing: August 2, 1984

Final Date to File Appeal

with Circuit Court: August 22, 1984

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This matter comes before the Commission on appeal by the claimant from the decision of the Appeals Examiner (UI-84-4521), mailed June 15, 1984.

ISSUE

Is the claimant enrolled in training with the approval of the Commission as provided in Section 60.1-52.1 of the Code of Virginia (1950), as amended and Regulation XIV B of the Rules and Regulations Affecting Unemployment Compensation?

FINDINGS OF FACT

On June 22, 1984, the claimant initiated a timely appeal from a decision of the Appeals Examiner which affirmed a prior Determination of the Deputy which denied the claimant's request for approved training.

The claimant filed a claim for benefits on April 30, 1984 and her claim was back dated, pursuant to Commission regulations, to an effective date of April 29, 1984. The occupational

classification assigned to the claimant was as a cashier since she had substantial work experience in that category since 1977. Her experience had been in both retail grocery and retail merchandise sales.

On April 3, 1984, the claimant began a training course with the National Business School located in Alexandria, Virginia. She was training as a Word Processing Specialist I and attended classes from 8:00 a.m. through 3:00 p.m., Monday through Friday. The projected completion date for her training was December 22, 1984.

The claimant resides in Alexandria, Virginia and filed her claim at the Commission's office located in Merrifield, Virginia. In the Northern Virginia-Metropolitan Washington Area, there are a large number of employers that employ cashiers or workers in cash handling positions.

OPINION

Section 60.1-52.1 of the Code of Virginia provides that benefits shall not be denied to any individual who is participating in training that has been approved by the Commission. Regulation XIV B of the Rules and Regulations Affecting Unemployment Compensation sets forth five specific criteria, each of which must be met in order for an individual to qualify for approved training. These criteria were correctly cited in the decision of the Appeals Examiner and need not be repeated here.

However, the first of these criteria is of particular importance with respect to this case. Regulation XIV B 1 (a) of the Rules and Regulations Affecting Unemployment Compensation provides that training shall be approved for an eligible claimant under the provisions of Section 60.1-52.1 of the Act only if the Commission finds the prospects for continuing employment for which the claimant is fitted by training and experience are minimal and are not likely to improve in the foreseeable future in the locality in which he resides or is claiming benefits. In the claimant's case, she does have fairly extensive training and experience as a cashier and in related cash handling jobs. The claimant testified at the Appeals Examiner's hearing that there were a large number of employers in the Northern Virginia area who employed individuals as cashiers or in related jobs. Therefore, under these circumstances, since this criteria has not been met, the Commission is precluded from approving the training that the claimant has entered. (Underscoring supplied

DECISION

The decision of the Appeals Examiner is hereby affirmed. It is held that the claimant's request for approved training should be denied since the training in question does not meet the criteria set forth in Regulation XIV B of the Rules and Regulations Affecting Unemployment Compensation.


M. Coleman Walsh, Jr.
Special Examiner

NOTE: Affirmed in the Circuit Court for the City of Alexandria, Law No. 9161, entered January 23, 1985.