



DECISION OF COMMISSION

In the Matter of

James E. Whitt, Claimant
████████████████████

National Airlines
Miami, Florida
Employer

Date of Appeal
To Commission: September 25, 1974
Date of Hearing: October 15, 1974
Decision No.: 6463-C
Date of Decision: October 15, 1974
Place: Richmond, Virginia

---o0o---

This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-74-2270) dated September 12, 1974.

ISSUE

Has the claimant met the availability requirements of the Act for the week or weeks for which he claims benefits within the meaning of § 60.1-52 (g) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

The findings of fact by the Appeals Examiner are adopted by the Commission.

Section 60.1-52 of the Virginia Unemployment Compensation Act, among other things, states that "an unemployed individual shall be eligible to receive benefits with respect to any weeks only if the Commission finds that:"

the claimant is "(g) . . . able to work, and is available to work."

Generally, to be considered available for work a claimant must show that he is actively and earnestly looking for work, is ready and willing to accept all offers of suitable work and does not place any undue or material restriction upon his employability.

There is no provision that the eligibility requirement of the Act be met during each day of each week for which benefits are claimed.

It is the opinion of the Commission that the unfortunate death of the claimant's mother and his attendance at the funeral did not affect either his ability to work or his availability for work during the weeks claimed.

The General Assembly in enacting § 60.1-52 (g) did not intend for any claimant to be found ineligible for benefits for a two week period by attending his mother's funeral over a three day period.

DECISION

The decision of the Appeals Examiner is hereby reversed. It is held that the claimant met the eligibility requirements of the Act from July 21, 1974, through August 3, 1974, the claim weeks before the Commission.



B. Redwood Council
Assistant Commissioner