

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

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Decision No. : UI-73-1954

Date: October 22, 1973

MISCELLANEOUS:60.2  
Benefit Computation Factors -  
Disqualification Period

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ISSUE

Has the claimant performed services for an employer during thirty days, whether or not such days are consecutive since she was disqualified for benefits?

FINDINGS OF FACT

The claimant appealed from a determination of the Deputy, dated September 25, 1973, which held she had not performed services for an employer during thirty days, whether or not such days are consecutive since she was disqualified for benefits. The claimant had been disqualified effective February 18, 1973, for any week benefits were claimed until she had performed services for an employer during thirty days, whether or not such days were consecutive for having left work voluntarily without good cause.

The claimant reopened her claim on August 13, 1973, requesting backdating to April 15, 1973, indicating that she had worked for Kelly Services, Seattle, Washington. Information furnished by this employer shows that the claimant had commenced working for that employer on February 2, 1973, on an on-call as needed basis. During the period from February 18, 1973, to the effective date of her new claim, April 15, 1973, the claimant had worked a total of nineteen working days. As of the date of the hearing, she was still employed by Kelly Services.

OPINION

Section 60.1-58(a) of the Virginia Unemployment Compensation Act provides a claimant shall be disqualified for benefits for any week benefits are claimed until she has performed services for an employer during thirty days, whether or not such days are consecutive if the Commission finds that she left work voluntarily without good cause.

Inasmuch as this claimant had not performed services for an employer for thirty days since the imposition of the disqualification, she had not purged or removed the disqualification as of the effective date of the reopening of her claim on April 15, 1973.

Kelly Services could not have been set-up by the Deputy as the claimant's last thirty day employer at the time of reopening her claim inasmuch as she had not performed services for that employer for thirty days by that time. It further is noted that the claimant would not be eligible for benefits after working for Kelly Services for thirty days until she became separated from that employment through no fault of her own and then initiated a new claim for unemployment compensation.  
(Underscoring supplied)

### DECISION

The determination of the Deputy is hereby affirmed.

It is held that the claimant had not performed services for an employer for as many as thirty working days as of the effective date of reopening her claim on April 15, 1973.

NOTE: This decision was affirmed by the Commission in Decision No. 6141-C dated November 29, 1973.