

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

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Decision No.: UI-74-3166

MISCELLANEOUS: 60.05  
Benefit computation factors -  
General.

Date: December 10, 1974

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ISSUES

Code of Virginia Section 60.1-58 (a) Did the claimant voluntarily leave his last employment without good cause? Section 60.1-52.2 Has the claimant performed services for an employing unit for remuneration during thirty days, whether or not such days are consecutive subsequent to the beginning of the immediate preceding benefit year during which he received benefits?

FINDINGS OF FACT

The claimant appealed from a determination of the Deputy, which disqualified him for benefits effective August 18, 1974, for having left work voluntarily without good cause.

National Orthopedic & Rehabilitation Hospital, Arlington, Virginia, was the claimant's last employer for whom he had worked from April 27, 1973, through August 3, 1973.

The claimant had filed a claim effective August 19, 1973. He was declared eligible for benefits without disqualification as a result of the separation from his employment. He was paid benefits for twenty-six weeks through February 23, 1974.

The claimant then filed a second claim for unemployment compensation effective August 18, 1974, showing National Orthopedic & Rehabilitation Hospital, Arlington, Virginia, as his last employer with a separation date prior to the initiation of his prior claim.

In filing his appeal, the claimant stated:

"I don't understand why I should be disqualified on 11-1-74 when the determination issued 10-10-73 found me eligible for benefits and I was paid benefits for 26 weeks. It is the same separation for which I was paid before."

The claimant was duly notified of the hearing to be held on his appeal but failed to appear or respond to the notice.

OPINION

Section 60.1-52.2 of the Virginia Unemployment Compensation Act provides that:

"No individual may receive benefits in a benefit year unless , subsequent to the beginning of the immediate preceding benefit year during which he received benefits, he performed service for an employing unit for remuneration during thirty (30) days, whether or not such days were consecutive."

The second claim initiated by this claimant indicates that he has had no employment since the beginning of his prior benefit year effective August 19, 1973, during which he received benefits for twenty-six weeks. In view of this, he is not entitled to receive benefits in a new benefit year commencing August 18, 1974.

Inasmuch as this claimant must work for a new employer for thirty days, whether or not such days are consecutive , in order to again be eligible for benefits, it is not necessary to consider whether or not he should be disqualified for benefits under the provisions of Section 60.1-58 (a) of the Code of Virginia due to the separation from his former employment.

DECISION

The determination of the Deputy is hereby amended. It is held that the claimant may not receive benefits in a new benefit year effective August 18, 1974, until he has performed services for an employing unit for remuneration during thirty days, whether or not such days are consecutive.

NOTE: This decision was affirmed by the Commission in Decision No. 6574-C dated February 17, 1975.