

COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION

PROCEDURE: 10.15
Timeliness of Appeals
-- Effect of Holiday/
State Office Closing.



DECISION OF COMMISSION

In the Matter of

Edith Leistra, Claimant
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Clarostat of Virginia
Orange, Virginia

Employer

Date of Appeal

To Commission: February 18, 1975

Date of Hearing: April 3, 1975

Decision No.: 6708-C

Date of Decision: April 14, 1975

Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-74-3391), dated January 28, 1975.

ISSUES

Did the claimant file her appeal within the statutory time limit as provided in § 60.1-62 of the Code of Virginia (1950), as amended?

Whether or not the claimant voluntarily left her last employment without good cause within the meaning of § 60.1-58 (a) of the Code of Virginia (1950), as amended?

Whether or not the claimant met the availability requirements of the Code for the weeks claimed within the meaning of § 60.1-52 (g) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

The Appeals Examiner rendered a decision dated January 28, 1975, which held that the claimant was disqualified for having left work voluntarily without good cause. This decision was mailed to the claimant on February 7, 1975, and stated that the claimant had until February 17, 1975, in which to file an appeal to the Commission.

Section 60.1-62 of the Code of Virginia (1950), as amended, provides that a claimant must file an appeal from the Appeals Examiner's decision within ten days of the mailing of such decision. The claimant filed her appeal to the Commission by letter postmarked February 18, 1975. The Commission takes notice of the fact that February 17, 1975, was a legal holiday. Therefore, under the precedents of the previous Commission decisions the claimant had one additional day in which to file her appeal. Since her letter was postmarked February 18, 1975, it is the opinion of the Commission that the claimant's appeal should be accepted as being timely filed. (Underscoring supplied)

Section 60.1-58 (a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found that a claimant left work voluntarily without good cause.

The opinion of the Appeals Examiner is adopted and affirmed by the Commission.

DECISION

The decision of the Appeals Examiner which disqualified the claimant effective October 13, 1974, for having left her work voluntarily without good cause, is hereby affirmed.



B. Redwood Council
Assistant Commissioner