

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF COMMISSION

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Decision No: 3453-C

SUITABLE WORK - 150.05

Date: Jan. 14, 1960

Distance to work:
General

This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. S-8577-8412) dated December 11, 1959.

ISSUE

Did the claimant fail without good cause to apply for available, suitable work when so directed by the employment service?

FINDINGS OF FACT

The claimant, who was last employed by the Wytheville Knitting Mills, Wytheville, Virginia, was separated from her employment when operations at the employer's plant were discontinued. After filing her Claim for Benefits and serving a waiting period, she received compensation for seven weeks through November 3, 1959. The Virginia State Employment Service on November 5, 1959, gave the claimant a referral to work at the Virginia Maid Hosiery Mills, Pulaski, Virginia, from 7 A. M. to 3 P. M. five days per week at a wage rate of \$1.00 per hour. The referral was to employment similar to that which she previously held. The claimant, who lives approximately 1½ miles from Wytheville, did not apply for this job until November 16, 1959, at which time she was advised that the job had been filled. Prompt action would have insured her of the job. The Deputy disqualified the claimant from November 14, 1959, through December 22, 1959, for failing to apply for available, suitable work when so directed. This decision was affirmed by the Appeals Examiner.

OPINION AND DECISION

The claimant's eleven day delay in applying for work in accordance with the referral of the Virginia State Employment Service is tantamount to a failure, or refusal, to apply for available, suitable work. She contends that her failure to promptly apply was occasioned by the lack of transportation. The overwhelming weight of authority holds transportation to be a personal problem which must be solved by the claimant. As the Examiner aptly noted in his decision, as long as the distance involved is not unreasonable, it is the responsibility of the claimant to provide herself with transportation and even through no fault of her own she is unable to do so, she does not have "good cause" for refusing suitable work. There is no showing that the distance here involved is unreasonable, in fact the record reflects that many former employees of the Wytheville Knitting Mills have accepted jobs with Virginia Maid. It seems to this Commission more than coincidence that on the first working day after the Deputy's disqualifying decision had been mailed to her, that the claimant was able to secure transportation to investigate the referral. (Underscoring Supplied)

The claimant by her own admission acknowledges that she can get transportation to Virginia Maid. This is manifest by the following excerpt from the testimony at the Examiner's hearing:

"* * * * *

in addition to the foregoing the evidence shows that the claimant had transportation available to Wytheville. It is a matter of common knowledge that public transportation is available between Wytheville and Pulaski. Had the claimant been genuinely interested in the available employment, it seems to this Commission that she would have been able to get to Virginia Maid in order to discuss the job and attempt to work out regular transportation arrangements.

For the foregoing reasons, the decision of the Appeals Examiner disqualifying the claimant from November 4, 1959, through December 22, 1959, thereby reducing her potential benefits by seven times the weekly benefit amount, for failing to apply for available, suitable work when so directed, is hereby affirmed.