

DECISION OF COMMISSION

In the Matter of

Janet Johnson  
[REDACTED]

Halifax County Senior High School  
South Boston, VA 24502

Employer

Date of Appeal  
To Commission: August 13, 1979

Date of Review: October 1, 1979

Decision No.: 12681-C

Date of Decision: October 4, 1979

Place: Richmond, Virginia

---oOo---

This is a matter before the Commission on appeal by the claimant from the decision of Appeals Examiner (No. UI-79-5612), dated August 10, 1979.

ISSUE

Did the claimant fail without good cause to either apply for or accept available, suitable work when so offered as provided in Section 60.1-58 (c) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

The Findings of Fact of the Appeals Examiner are adopted by the Commission.

Section 60.1-58 (c) of the Virginia Unemployment Compensation Act provides that an individual shall be disqualified for benefits if it is determined by the Commission that such individual has failed without good cause to apply for available, suitable work when so directed by the Employment Office or the Commission.

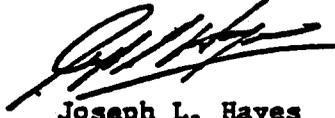
The language "apply for available, suitable work when so directed by the Employment Office" contemplates the referral of an individual to a job opening which can be identified by a job order.

A bona fide directive would, therefore, encompass no less than the act of arranging to bring to the attention of an employer an applicant who is available for a job opening following a selection interview with the applicant. The job opening must be represented by a file request (job order) to select and refer an applicant. (See generally ETA Glossary of Program Terms and Definitions, U. S. Department of Labor, ETA (1979))

The absence of a job order (see transcript page 6) has invalidated the referral offered this claimant since as can be seen from the above, such an order is one element required of a bona fide directive of an individual to work. accordingly, it is the opinion of the Commission that this claimant should not be subjected to the disqualification provided in the aforementioned section of the Virginia Act.

DECISION

The Decision of the Appeals Examiner is hereby reversed. The Deputy is directed to carefully determine the claimant's eligibility for benefits during the weeks she has claimed.



Joseph L. Hayes  
Special Examiner