

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF COMMISSION

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Decision No: 3371-C

SUITABLE WORK - 330.15

Date: June 26, 1959

Offer of work:

Means of communication

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. S-7944-7795) dated May 25, 1959.

ISSUES

- (1) Has the claimant been available for work during the week or weeks for which she claims benefits?
- (2) Did the claimant voluntarily leave her last employment without good cause?
- (3) Did the claimant fail without good cause to accept suitable work when offered to her?

OPINION AND DECISION

After reviewing the entire record and the decision of the Appeals Examiner, the Commission is of the opinion that the decision in holding that the claimant has not met the eligibility requirements of the Act from April 14, 1959, through May 15, 1959, the date of the hearing before the Examiner, as well as the decision that no disqualification should be imposed in connection with the claimant's separation from her last employment, is correct and the said decision of the Examiner is hereby sustained and affirmed.

It should be noted that there is an additional issue in this case which has not been previously considered. Did the claimant fail without good cause to accept suitable work when offered to her? It appears from the record that the employer was required by its agreement with the union to notify employees who had been laid off of their recall by registered mail. The employer in all respects complied with the requirements of the aforementioned agreement. In fact, the union executed an agreement acknowledging such compliance. The claimant, however, did not receive the registered letter. There is evidence that a notice of such letter was left in the claimant's mail box. She, however, denies having received such notice. While it is true that the employer has done those things necessary to comply with its union agreement, this Commission is of the opinion that an offer of employment as envisioned by the provisions of the Unemployment Compensation Act, has not been communicated to the claimant. Accordingly, it is held that no disqualification should be imposed because of a failure without good cause to accept an offer of employment. (Underscoring supplied)

The testimony offered on behalf of the claimant at the hearing before the Commission reflects that she has engaged in an active and diligent search for employment since her case was heard by the Examiner. Therefore, the Commission holds that the claimant has met the eligibility requirements of the Act from May 16, 1959, to June 18, 1959, the date of her hearing before the Commission.