

SUITABLE WORK: 500.5
Wages -- Low.

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

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Decision of Commissioner

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In the Matter of

Appeal from Examiner

Helen Fitzgerald

Date of Appeal: August 27, 1948

Claim No. 23

Date of Hearing: September 23, 1948

Dan River Mills, Inc.

Decision No.: 384-C

Date of Decision: September 24, 1948

Place: Richmond, Virginia

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This is an appeal filed by the claimant from the decision of the Examiner (No. D-2783; A.E.-1573), entered on August 23, 1948.

ISSUE

Did the claimant fail, without good cause, to apply for available, suitable work as directed by the Employment Service?

FINDINGS OF FACT

The claim for benefits was filed on July 7, 1948. The claimant had been unemployed since June 22nd, having last worked for her former employer, the Dan River Mills, on June 21st. Claimant was a loom cleaner at a wage scale of 80 1/2 cents per hour at the time she was laid off on account of lack of work. Under the terms of a bargaining contract between the claimant's union and the employer when claimant was laid off she was placed on a preferential re-employment list and was fifth from the top. In her testimony before the Examiner she stated that the foreman who laid her off advised her not to look for another job, since he expected to re-call her soon, and suggested that she apply for benefits in the meantime. Although her first day of unemployment was June 22nd, she did not file for benefits until July 7th.

At the time the claimant was discharged she was working four days per week, thus earning from \$28.00 to \$30.00 per week. Prior to her employment by the Dan River Mills (which had been over a period of about two years), she had been employed by Lorrillard Tobacco Company for some time at 65 cents per hour. She had, prior to 1944, worked about two years in domestic service.

On the day that the claimant was filed, the claimant was referred to a job at a hospital at \$16.00 per week. This job is classified by the Employment Service as a "charwoman". The job required 77 hours, less two hours off sometime during the day on one day each week, and one Sunday off during each month. The claimant refused to apply for this job because of the rate of pay. The hospital would not have furnished meals.

The Deputy disqualified the claimant for six weeks for having refused to apply for suitable work. The decision of the Deputy was affirmed by the Examiner.

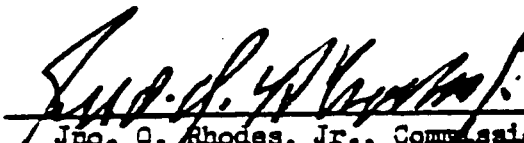
At the hearing before the Examiner the claimant stated that she had applied for work at Liggett and Myers Tobacco Company with no results, and also had applied to the employment office of another local industry. In addition she had answered by telephone several advertisements, giving telephone numbers only, in the newspaper. On August 16th, the claimant, through her own efforts, obtained a job at P. Lorrillard & Company at 68 cents per hour, 40 hours per week, where she is now working.

OPINION

The claimant did not file for benefits until July 7th. On that day she was disqualified for refusing a job paying only about 24 cents per hour, which, however, appears to have been the prevailing wage for that type of hospital work. Her experience shows that she was qualified to perform services of a much higher skill, paying very much more. It is the policy of the Commission to give claimants a reasonable time to obtain work in their usual skill, before requiring them to show a willingness to accept work below their skill in order to be eligible. This claimant was not given that opportunity. An assignment to a job paying as little as 24 cents per hour is not a suitable assignment to a claimant who has a record showing that she has an earning capacity of 80 cents per hour until reasonable efforts to obtain a job at the higher skill have been exhausted. After one has been a claimant for an unreasonable period without prospects of obtaining work at his former wage and skill, then it becomes the duty of the claimant, in order to continue eligible for benefits, to show a willingness to accept a less attractive job. Since no reasonable time was given to this claimant to find work more or less comparable to her former employment, it was an error on the part of the Deputy to disqualify the claimant for failure to apply for the job to which she was referred. At that time it was not suitable work for this claimant, especially in view of her length of unemployment, prior training and experience.

DECISION

The decision of the Examiner affirming the disqualification imposed by the Deputy is hereby reversed. The disqualification is removed. The Deputy is directed to process the claim in accordance with this decision.


Jno. Q. Rhodes, Jr., Commissioner.