

DECISION OF COMMISSION

In the Matter of

Katherine C. McCreary, Claimant  
[REDACTED]

Virginia Employment Commission  
Portsmouth, VA 23705

Date of Appeal

To Commission: October 26, 1979

Date of Hearing: March 7, 1980

Decision No.: 13040-C

Date of Decision: March 19, 1980

Place: Richmond, Virginia

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This matter comes before the Commission on appeal by the claimant from the decision of the Appeals Examiner (UI-79-7398), dated October 23, 1979.

ISSUE

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

FINDINGS OF FACT

The claimant was last employed as an interviewer in the Portsmouth office of the V.E.C. from January, 1979 through July 20, 1979. Her job ended when her C.E.T.A. contract expired.

On September 4, 1979 the claimant accepted a referral and interviewed for a secretarial job with Railway Systems of Portsmouth, Virginia. The claimant was offered the job, at \$875.00 per month, for a forty hour work week. She failed to accept the offered work because she explained that the location of the work was next to a ghetto in a trailer by an abandoned building. She testified that there were trees and bushes around the worksite which was some distance from the main road and she feared for her personal safety if she worked there. The claimant also explained that the surrounding buildings were abandoned and appeared to be structurally unsafe.

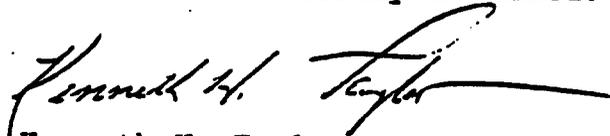
OPINION

Section 60.1-58 (c) of the Code of Virginia provides a disqualification if it is found that an individual has failed without good cause to accept an offer of available, suitable work. The statute provides that in determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience, his length of unemployment and the accessibility of the available work from his residence.

The claimant argues that the work was not suitable for her because of what she perceived to be a potential risk to her health and safety owing to the location of the work. It should be noted that the above-referenced statute describes criteria by which the Commission shall evaluate whether the work itself is suitable for an individual. Clearly, the secretarial work offered the claimant in this case was suitable in view of the claimant's prior training and her experience. There was no evidence presented by the claimant to show that the performance of this work would have entailed a risk to her health or safety. While the claimant's apprehension to work in a particular area in the Portsmouth labor market is understandable to the Commission, a claimant must be able and available for suitable work in the labor market area where she resides and has filed a claim for unemployment compensation in order to be considered eligible for benefits. Although this claimant's apprehensions may have been quite real to her, and she had every right to yield to those apprehensions, her failure to accept suitable work within her labor market area would disqualify her from receipt of unemployment compensation benefits. (Underscoring supplied)

DECISION

The decision of the Appeals Examiner is hereby affirmed.

  
Kenneth H. Taylor  
Special Examiner