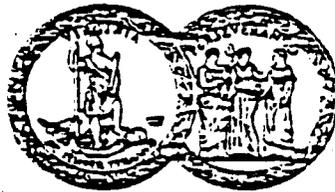


COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION



VOLUNTARY LEAVING - 155.1
DOMESTIC CIRCUMSTANCES
CHILDREN, CARE OF

DECISION OF COMMISSION

In the Matter of

John H. Bowman, Claimant
[REDACTED]

Big Tract Coal Company
Haysi, VA 24256

Date of Appeal
To Commission: February 4, 1980

Date of Review: March 6, 1980

Decision No.: 13493-C

Date of Decision: March 7, 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-80-28), dated January 25, 1980.

ISSUE

Did the claimant leave work voluntarily without good cause as provided in Section 60.1-58 (a) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

Big Tract Coal Company of Haysi, Virginia was the claimant's last employer for which he had worked as a scoop operator from January 28, 1979 through July 24, 1979. At the time of his separation the claimant was working 7:00 a.m. to 3:00 p.m. Monday through Friday being paid \$9.57 an hour.

On May 1, 1979 the claimant's wife was sent to the penitentiary and there was no one to care for the claimant's four year old son. The claimant retained a babysitter from May 1 through July 24 when his sitter quit without notice. The claimant was unable to locate a babysitter that day and quit his job to take care of his child.

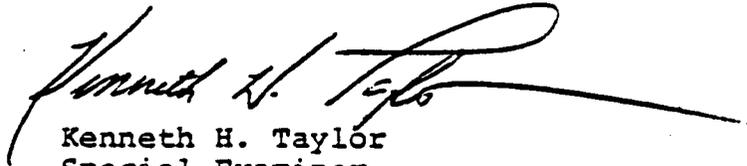
The claimant testified at the Examiner's hearing that he did not request a leave of absence but felt that he had no alternative other than to relinquish his job. The claimant took care of his child until his wife got out of the penitentiary and took custody of the child on October 20, 1979. The claimant filed his claim

for benefits effective November 11, 1979 after he had unsuccessfully begun looking for employment.

Section 60.1-58 (a) of the Code of Virginia provides a disqualification if it is found that an individual has left work voluntarily without good cause. The Commission has held in previous decisions that in limited cases personal domestic responsibilities may constitute good cause for voluntarily leaving suitable employment provided the individual has exhausted all reasonable alternatives to relinquishing his employment. In the present case, the claimant did have the reasonable alternative of notifying the employer as to the nature of his problem in an attempt to obtain a leave of absence during which time he could obtain a babysitter. While the Commission recognizes the claimant's domestic responsibilities at the time he relinquished his job, since he failed to exhaust all reasonable alternatives to relinquishing his job at that time prior to leaving it must be concluded that he left without good cause as that term is used in the Act.

DECISION

The decision of the Appeals Examiner is hereby affirmed.



Kenneth H. Taylor
Special Examiner