

COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION

VOLUNTARY LEAVING: 155.3
Domestic Circumstances —
Housing.



DECISION OF COMMISSION

In the Matter of

Lonnie Durst
[REDACTED]

United Masonry Inc. of Va.
Alexandria, VA 22010

Interstate

Date of Appeal
To Commission: January 22, 1985
Date of Review: March 7, 1985
Place: RICHMOND, VIRGINIA
Decision No.: 24702-C
Date of Decision: March 7, 1985
Date of Mailing: March 8, 1985
Final Date to File Appeal
with Circuit Court: March 28, 1985

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This is a matter before the Commission on appeal by the claimant from the decision of the Appeals Examiner (UI-84-9180), mailed January 3, 1985.

ISSUE

Did the claimant voluntarily leave his employment without good cause within the meaning of Section 60.1-58(a) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT

The claimant was last employed as a concrete fitter by United Masonry Incorporated of Virginia from sometime in 1983 until October 25, 1984.

Throughout most of his employment, the claimant shared an apartment with three roommates, all of whom eventually relocated. One of these individuals was his foreman, and another was his co-worker on the job. On or about September 28, 1984, after he realized that he would not have anyone to share the living expenses, the claimant told his foreman that he would quit his job and return to his home in Pennsylvania when the apartment lease expired in October because he could not afford to maintain the residence by himself. Thereafter, without making any

attempt to find other roommates, he left his job on or about October 25, 1984.

OPINION

Section 60.1-58(a) of the Code of Virginia (1950), as amended, provides for a disqualification if it is found that an individual voluntarily left his employment without good cause.

In interpreting the term "good cause", the Commission has repeatedly held that an individual has voluntarily left his employment without good cause unless his reasons for leaving were so necessitous or compelling that he had no reasonable alternative but to quit; and further, he made every effort that a reasonable person desirous of maintaining his employment would take in order to protect the job before leaving it to join the ranks of the unemployed. See Rita Marcus v. Camelot Development Corporation, Decision Number 6183-C, dated January 31, 1974, and Mary C. Thomas v. Piedmont Bank and Trust, Commission Decision Number 1067-C, dated March 24, 1955.

The risk of non-persuasion in showing a voluntary leaving rests with the employer. Once a voluntary leaving has been established, the burden shifts to the claimant to present evidence of circumstances which constitute good cause. See Sid F. Kerns v. Atlantic American, Inc., Commission Decision Number 5450-C, dated September 20, 1971.

In his letter of appeal, the claimant argued that since he could not afford to pay his bills by himself, he was better off leaving the job. In this regard, the Commission has consistently refrained from considering the matter of an individual's finances. At best, such an analysis would be highly subjective since it involves questions of personal taste, habit, and ability to manage money, all of which may vary from one person to the next. Problems such as housing and transportation must be resolved by every member of the labor force. (Underscoring supplied)

Here, the claimant has failed to demonstrate that he made every reasonable attempt to preserve his employment status prior to quitting his job. For example, by his own admission, he made no effort to find other roommates so that he could keep his apartment. In the absence of evidence to show that he exhausted all reasonable alternatives prior to giving up his job, there can be no finding of good cause, as that term is used in the Act.

DECISION

The decision of the Appeals Examiner is hereby affirmed. It is held that the claimant remains disqualified for benefits, effective

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October 28, 1984, because he voluntarily left his employment without good cause. Such disqualification is to remain in effect for any week or weeks benefits are claimed until such time as the claimant has performed services for an employer for thirty days, whether or not such days are consecutive.


Patrice T Johnson
Special Examiner