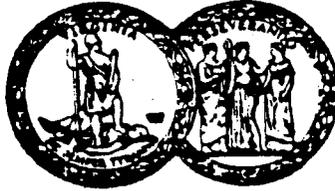


COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION



VOLUNTARY LEAVING: 155.35  
Domestic Circumstances;  
Illness of others

**DECISION OF COMMISSION**

In the Matter of

**Eddy C. Whisnant, Claimant**  
[REDACTED]

Newport News Shipbuilding &  
Dry Dock Company  
Newport News, Virginia

**Employer**

Date of Appeal

To Commission: April 4, 1974

Date of Hearing: May 1, 1974

Decision No.: UCX-74

Date of Decision: May 22, 1974

Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UCX-74-14) dated March 22, 1974.

ISSUE

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

FINDINGS OF FACT AND OPINION

The findings of fact by the Appeals Examiner are adopted by the Commission. In addition, the claimant testified that he was the only member of his family who was available to care for his parents. He also submitted a statement from his parent's physician which substantiates the seriousness of their illnesses and their need for assistance during convalescence.

Section 60.1-58 (a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found that a claimant left work voluntarily without good cause.

In discussing the meaning of "good cause", the Commission has used numerous definitions but has consistently held that a claimant has left work voluntarily without good cause unless the reasons for leaving are sufficiently necessitous and compelling as would prompt a person reasonably desirous of maintaining their employment to quit.

A further explanation of "good cause" is found in Commission Decision No. 2002-C dated June 15, 1955.

"Therefore, where the pressure of real, not imaginary, substantial, not trifling, reasonable, not whimsical, circumstances compel the decision to leave employment, the worker leaves voluntarily but with good cause. The pressures of necessity, of legal duty, or family obligations or other compelling circumstances, and the worker's capitulation to them, will not penalize his right to benefits if he once again re-enters the labor market."

Also, see Bliley Electric Co. v. Bd. of Rev. (In re Sturdevant), 158 Pa. Super. 548, 45 A. (2d) 898 (1946) which states:

"When therefore the pressure of real, not imaginary, substantial, not trifling, reasonable, not whimsical, circumstances compel the decision to leave employment, the decision is voluntary in the sense that the worker has willed it, but involuntary because outward pressures have compelled it. [Footnote omitted.] Or to state it differently, if a worker leaves his employment when he is compelled to do so by necessitous circumstances or because of legal or family obligations, his leaving is voluntary with good cause, and under the Act he is entitled to benefits. The pressure of necessity, or legal duty, or family obligations, or other overpowering circumstances and his capitulation to them transform what is ostensibly voluntary unemployment into involuntary unemployment."

Under the circumstances of the present claim, it is the opinion of the Commission that the claimant did leave work for good cause within the meaning of the Act.

DECISION

The decision of the Appeals Examiner which disqualified the claimant effective January 6, 1974, for having left work voluntarily without good cause, is hereby reversed. The Deputy is directed to promptly and carefully determine the claimant's eligibility for the weeks claimed.



B. Redwood Council  
Assistant Commissioner