

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

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Decision No.: 6183-C

VOLUNTARY LEAVING: 210

Date: January 31, 1974

Good Cause

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-73-2079) dated November 21, 1973.

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 claimant appealed from a determination of the Appeals Examiner which disqualified her for benefits effective August 5, 1973, for having left work voluntarily without good cause.

Camelot Development Corporation, Virginia Beach, Virginia, was the claimant's last employer, for whom she worked as a bookkeeper from May 15, 1972, through August 3, 1973. The employer has furnished separation information which reads as follows:

"Left voluntarily to leave the area."

The claimant's parents, with whom she had been living, became ill and needed medical treatment. Her father suffered from heart problems and required an electrocardiogram once a month. Her mother also suffered from anxiety neurosis. The claimant indicated that they were unable to get the proper medicine or adequate medical attention in Virginia and her doctor recommended that they move back to their original home in Pennsylvania to receive medical care. The claimant has furnished a statement from her parent's doctor which confirms the fact that her father does have a heart condition and that her mother is suffering from anxiety neurosis. The doctor has further stated that it was felt it was essential that the claimant live at home in order to care for her parents.

At the hearing which was conducted pursuant to the Commission's request by the Pennsylvania Hearing Referee on January 15, 1974, an additional statement from the claimant's family physician dated November 29, 1973 was introduced into evidence. The statement reads as follows:

"Mr. and Mrs. Leo Marcus have been patients of mine for years. When they visited Scranton, Pa. June 1973 I examined them and advised them to move back to Scranton since they were better both physically and mentally here. In addition I advised their daughter Rita to return with them to care for them."

/s/ Henry Fish, M. D.

The claimant also testified to the effect that she was the only member of her family who could help care for her parents.

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." (Underscoring Supplied)

The claimant has submitted medical evidence to support her statement that it was necessary for her to move with her parents in order to care for them and that she was the only family member who could do so. 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 from receiving benefits for having left work voluntarily without good cause, is reversed. The Deputy is directed to determine the claimant's availability for the weeks claimed.