

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

---oOo---

Decision No.: 11655-C

VOLUNTARY LEAVING - 365.1  
Prospects of other work.  
Characteristics of other work.

Date: February 28, 1979

---

This is a matter before the Commission on appeal by the employer from the decision of the Appeals Examiner (No. UI-78-8084), dated December 29, 1978.

ISSUE

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

FINDINGS OF FACT AND OPINION

The employer appealed from a decision of the Appeals Examiner which held the claimant not subject to a disqualification effective November 12, 1978, as a result of the separation from his last employment. F & K Lumber Company was the claimant's last thirty-day employer, where he had worked as a laborer from May 9, 1978, to September 25, 1978. The claimant was paid \$3.00 per hour for an eight-hour day, five days per week. The claimant is a member of a union, and through this source had received information that work was available to him with Charles H. Tompkins in Washington, D. C., at the rate of \$8.46 per hour. The claimant did not know how long the offered work would last, but started to work on it immediately because of the great difference in the hourly rate of pay. He rode with others in commuting the approximate 100 miles to the District to get to the job, which lasted approximately two weeks. He then was laid off with instructions that he may be called back to work later. When he was not, he reported to the local office and filed a claim for benefits. Although his last thirty-day employer has stated on repeated occasions that the claimant's job is still available for him if he desires it, the claimant did not contact that employer with regard to reinstatement because he did not want to work at the lower rate of pay.

Section 60.1-58(a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found a claimant left work voluntarily without good cause. The phrase "good cause" has been construed to embrace a claimant's decision to change from one job to another where he has a reasonable expectation of improving his economic status. The Commission likewise has been consistent, however, in holding that the job to which the claimant transferred must have been a permanent one or he had a reasonable basis for believing it to be at the time of acceptance. Although this claimant's desire to work on the job with the greatly increased hourly wage rate is understandable, it is readily apparent that he had not investigated and had no reasonable basis for believing that the new work was of a permanent nature. (Underscoring supplied) It is concluded that the claimant has not shown good cause for voluntarily leaving his last thirty-day employment.

DECISION

The decision of the Appeals Examiner holding that no disqualification be imposed in connection with the claimant's separation from his last employment is hereby reversed. It is held that the claimant is disqualified for benefits effective November 12, 1978, for any week benefits are claimed until he has performed services for an employer during thirty days, whether or not such days are consecutive, because he left work voluntarily without good cause.