

COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION

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



DECISION OF COMMISSION

In the Matter of:

Seth Townsend
[REDACTED]

Prince William Decorating
Service
Woodbridge, Virginia

Date of Appeal

to Commission: January 8, 1986

Date of Hearing: February 12, 1986

Place: RICHMOND, VIRGINIA

Decision No.: 26475-C

Date of Mailing: February 13, 1986

Final Date to File Appeal

with Circuit Court: March 5, 1986

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This is a matter before the Commission on appeal by the claimant from the Decision of Appeals Examiner (UI-85-9590), mailed January 2, 1986.

APPEARANCES

Claimant

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

The claimant appealed from a decision, which held he was disqualified for benefits effective November 3, 1985, because he voluntarily left his employment without good cause.

The claimant was employed as a house painter at a rate of \$7.00 per hour by Prince William Decorating Service of Woodbridge, Virginia, from August 26, 1985, through October 23, 1985. Although

he was hired on a full-time basis, the employer's available work decreased steadily. At the time of his separation, the claimant was working an average of two days per week. Approximately two weeks prior to his last day of work, his supervisor informed him that he would be laid off for the winter, and he should try to find some other employment. Because of this information, the claimant contacted WACO and was offered a job as a first-class mechanic, his usual occupation, for \$10.50 an hour at Chop Point, Maryland. The new job was to last for eight weeks, and required work eight hours a day, seven days a week.

The claimant resigned his employment with Prince William Decorating Service and began working for WACO on October 26, 1985. After seven days on the job, he was laid off. At the time, he was told WACO was shutting down the project for a day or two. However, he has not been recalled to work.

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.

The phrase "good cause" has been construed to include an individual's decision to change from one job to another when he has a reasonable expectation of improving himself. If the job to which he transfers is permanent in nature or he has a reasonable basis for believing it to be at the time of his acceptance, and he has actually obtained the employment, then his leaving is for "good cause". (See, Russell Taylor v. Tazewell County School Board, Decision No. SUA-196, dated May 27, 1977)

Here, even though the claimant expected his new job to last no longer than eight weeks, it represented a definite improvement over his then current employment status in terms of wages and hours of available work. Since he had already been told of his impending lay off, his decision to accept an offer of eight weeks' work was reasonable. His subsequent lay off after one week on the job in Maryland is not one which he could be reasonably expected to foresee. In view of the circumstances, the Commission is of the opinion that his separation from his last thirty-day employer was for good cause as that term is used in the aforementioned section of the Code. (Underscoring supplied)

DECISION

The Decision of Appeals Examiner is hereby reversed. It is held the claimant is qualified to receive benefits effective November 3, 1985, because he voluntarily left his employment with good cause.

The matter is referred to the Deputy to investigate and determine the claimant's eligibility for each week or weeks benefits are claimed.


Patrice Taylor Johnson
Special Examiner