

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF APPEALS EXAMINER

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Decision No: IS-2390-2347

VOLUNTARY LEAVING - 365.25

Date: January 9, 1959

Prospect of other work:

Uncertain

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POINT AT ISSUE

Did the claimant voluntarily quit his employment without good cause?

FINDINGS OF FACT

The claimant appealed from a determination which disqualified him from November 12, 1958, through December 30, 1958, and reduced the total amount of potential benefits by seven times the weekly benefit amount for voluntarily leaving his last employment without good cause.

The claimant had been employed by Weldon Mills from September 9, 1957, through October 18, 1958, as a Foreman. The claimant has had twelve or more years' experience as a foreman in textile mills dealing with preparation, slashing and fixing. Just prior to his separation, new machines had been installed and it appeared that some jobs might be eliminated. The claimant discussed the matter with the Superintendent of the plant and asked about his job. He was told that they did not know what would happen. A little later on, the claimant learned through friends who lived in Miami, Florida, that there might be some opportunities of obtaining work with the County. He again approached the Superintendent of the plant and was told that it might be well to look around for other work; however, he was not told that he would be discharged nor did he ask for a Leave of Absence. He voluntarily left his employment and, after arriving in Florida, learned that he could not be employed by the County until he had lived in Florida for at least six months.

The claimant has been applying to various employers in an effort to find work and is willing to accept any type of employment that he is qualified to perform at the prevailing wages.

OPINION

Section 60-47(a) of the Virginia Unemployment Compensation Act provides a disqualification of seven weeks and potential benefits reduced accordingly, if it is found that an individual voluntarily quit his work without good cause.

This claimant contends that he did not think his work would last too long with his last employer; nevertheless, he had not been told by his last employer that he would be discharged from his employment. In addition, he might have asked for a Leave of Absence so as to protect his job rights in the event the work he hoped to obtain did not materialize.

It has been consistently held that, where a worker undertakes a change without first obtaining the new employment, he takes a calculated

risk for reasons which cannot be deemed good cause for leaving his last employment. It, therefore, must be concluded that this claimant left his employment for reasons that would not be considered good cause within the meaning of that term as used in the Act. (Underscoring supplied)

DECISION

The determination of the Deputy, disqualifying the claimant from November 12, 1958, through December 30, 1958, and reducing the total amount of potential benefits by seven times the weekly benefit amount for voluntarily leaving his last employment without good cause, is hereby affirmed.

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NOTE: Decision affirmed by the Commissioner for the Unemployment Compensation Commission of Virginia, in Decision No. 3327-C, dated February 3, 1959.