



DECISION OF COMMISSION

In the Matter of

John E. Decker, Claimant
[REDACTED]

Hereth, Orr, & Jones
Clearwater, FL 33515

Date of Appeal
To Commission: January 14, 1980
Date of Hearing: April 30, 1980
Decision No.: 13641-C
Date of Decision: May 2, 1980
Place: Richmond, Virginia

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This matter comes before the Commission on appeal by the claimant from the decision of the Appeals Examiner (UI-79-8679), dated January 3, 1980.

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 AND OPINION

Hereth, Orr, & Jones of Clearwater, Florida was the claimant's last employer, for which he had worked from July 1, 1979 through October 19, 1979 as a municipal bond salesman.

When the claimant was hired he was told that he would be paid two to three hundred dollars per week as a training salary until he could become licensed to sell municipal bonds. He was also told that he would receive a draw of \$1,200.00 a month against his commissions.

Although the claimant did not receive any salary during his training period from April through July 1 of 1979, he continued to prepare himself to sell municipal bonds by passing the appropriate test. He passed the examination and the employer gave him his first draw on or about July 1, 1979. The bond market was very slow and the claimant was not successful in his efforts in selling

municipal bonds between July and October of 1979. During that period; his draw amounted to approximately \$4,000.00, while his commissions amounted to approximately \$1,000.00. The claimant attributed this lack of success to the adverse economic conditions at the time where few investors were interested in municipal bonds due to the low yield.

On October 19, 1979 the claimant was called into the manager's office and told that he believed the claimant would never make it as a municipal bond salesman and that he wanted to fire him outright. He also told the claimant that as a courtesy they would let him continue working but with no draw, on a strictly commission basis. The claimant felt that based on his prior unsuccessful record as a salesman, he would be unable to meet his expenses so he did not continue working on that basis.

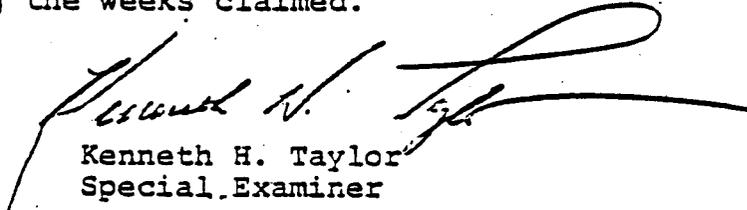
Section 60.1-58 (a) of the Code of Virginia provides a disqualification if it is found that an individual has left work voluntarily without good cause.

The Commission has held in previous decisions that when the conditions of work have been altered to such an extent that the new work becomes unsuitable to the individual, he would have good cause for voluntarily leaving it. In view of this claimant's uncontradicted testimony that he had been promised a \$1,200.00 per month draw until he could get established as a bond salesman and that the employer had discontinued this draw unilaterally on October 19, the work had become unsuitable to him. It is concluded, therefore, that although he left voluntarily he did so with good cause. (Underscoring supplied)

DECISION

The decision of the Appeals Examiner which disqualified the claimant for benefits for having left work voluntarily without good cause is hereby reversed. It is held that no disqualification should be imposed in connection with the claimant's separation from his last employment.

The Claims Deputy is directed to determine the claimant's eligibility for benefits during the weeks claimed.


Kenneth H. Taylor
Special Examiner