

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF APPEALS EXAMINER

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Decision No: S-3765-3716

VOLUNTARY LEAVING - 500.3

Date: Oct. 17, 1955

Wages:

Failure or refusal to pay

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POINT AT ISSUE

Did the claimant voluntarily leave his last employment without good cause?

FINDINGS OF FACT

The claimant appealed from the decision of the Claims Deputy which disqualified him from September 14, 1955, through October 18, 1955, and reduced the total amount of potential benefits by five times the weekly benefit amount, for voluntarily leaving his last employment without good cause. The claimant was employed by Lummis & Company from November 11, 1953, through April 13, 1955, when he voluntarily left because his wages were being withheld by the employer. On about March 18, 1955, some bags of peanuts were stolen from the employer. The claimant was picked up in connection with the theft and was still under bail, but had not had a court hearing. Two other individuals involved had been indicted, one being convicted of the theft and the other expecting trial within a few days. When the claimant was released from jail, he returned to work for his last employer and continued working for three weeks and three days. During this time he received no wages. He approached his foreman and also his superintendent relative to the payment of his wages, but was given no information. After his discussion with the superintendent, he left the job. During the period covered by his Claims, he has actively sought employment but has been unable to secure a job.

OPINION

Section 60-47 (a) of the Virginia Unemployment Compensation Act provides a disqualification of five weeks and the total amount of potential benefits reduced by five times the weekly benefit amount if it is found that an individual voluntarily left his last employment without good cause.

Although this claimant was apparently accused of being involved in the theft of some peanuts owned by his employer, he denied having participated. When the employer withheld his wages, he attempted to discuss the matter with his superiors after having continued working for three weeks, but was not given any information as to when he might expect to receive his money. It appears to the Examiner that the claimant acted in a prudent and reasonable manner by investigating the circumstances prior to leaving his employment and that he would have good cause within the meaning of the Act for leaving his last employment when his employer failed to pay his wages when due. It is, therefore, the opinion of the Examiner that no disqualification should be imposed in connection with the claimant's separation from his last employment. (Underscoring supplied)

It is further the opinion of the Examiner that the claimant met the eligibility requirements of the Act during the period covered by his Claims.

DECISION

That portion of the Deputy's decision disqualifying the claimant from September 14, 1955, through October 18, 1955, and reducing the total amount of potential benefits by five times the weekly benefit amount for voluntarily leaving his last employment without good cause is hereby reversed.

It is also held that the claimant has met the eligibility requirements of the Act from September 7, 1955, through October 5, 1955, the date of the hearing before the Examiner.