

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

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Decision No.: UI-71-2859

VOLUNTARY LEAVING: 515.05

Date: January 18, 1972

Working Conditions
General

ISSUE

Did the claimant voluntarily leave her last employment without good cause? Has the claimant been available for work during the week or weeks for which she claims benefits?

FINDINGS OF FACT

The claimant appealed from a determination of the Deputy which disqualified her for benefits effective December 12, 1971, for having left work voluntarily without good cause.

Silco Stores, Inc., Lawrenceville, Virginia, was the claimant's last employer for whom she had worked as a store manager from August 10, 1970, through November 27, 1971. The employer had decided to change the responsibilities of his division supervisors, by assigning them to the larger stores in their area of supervision. When a supervisor was assigned full time to the store which the claimant managed, she was to continue to manage the store under his guidance and direction. He, however, commenced issuing instructions directly to the employees without reference to the claimant. Since many of these instructions differed from those she had given, the claimant attempted to resolve the situation by talking both to the employees and the supervisor. The supervisor refused to recognize the claimant's position and told the employees that if any of them did not like the changes he was making they knew where the time clock and the door were. The supervisor then told the claimant that in addition to her other duties that she was to have direct responsibility for keeping up the shoe department. To show that she wanted to cooperate, the claimant indicated to the supervisor that she previously had had experience in managing the shoe department and thought the additional responsibility could be handled by her. The supervisor responded to her remarks by stating to her directly that she also knew where the time clock and door were if she didn't like what he was doing. Because of these developments, the claimant felt that her position as well as her authority over store employees had been so undermined that she could not effectively perform her duties. She then resigned

believing that under the circumstances it would be in the best interests of harmony within the store as well as business operations if she were not there.

The claimant filed a claim for benefits effective December 5, 1971, and continued her claim series through January 1, 1972. During this period she personally applied to employers each week for work.

OPINION

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.

It has been consistently held in past decisions that a claimant would have good cause in leaving work if it were not suitable employment. Of course, a claimant must show that she acted reasonably in trying to protect the security of her job before electing to give it up. A claimant who has left her job simply because she became dissatisfied with it can not escape the disqualifying provisions of the Act. Conditions at work however, can become so intolerable that a particular job is no longer suitable employment. It is the opinion of the Appeals Examiner that this was the situation in this case. The claimant could not reasonably be expected to have continued in her capacity as store manager in the face of the continuing insults from and degradation of her position by the one individual to whom she must look for guidance and help in the proper performance of her duties. It is concluded that the claimant left work voluntarily but with good cause within the meaning of that term as used in the Act. (Underscoring supplied.)

It also is the opinion of the Appeals Examiner that the claimant was meeting the availability for work requirements of Section 60.1-52 (g) of the Code of Virginia.

DECISION

That portion of the Deputy's determination disqualifying the claimant for benefits for having left work voluntarily without good cause is hereby reversed.

It also is held that the claimant had met the eligibility requirements of the Act from December 5, 1971, through January 1, 1972, the claim weeks before the Appeals Examiner.