

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

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Decision No. UI-76-2083

VOLUNTARY LEAVING: 515.5  
Working Conditions -  
Morals

Date: April 1, 1976

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ISSUE

Code of Virginia §60.1-58 (a): Did the claimant voluntarily leave her last employment without good cause?

FINDINGS OF FACT

The employer appealed from a determination of the Deputy which declared the claimant not subject to a disqualification, effective January 11, 1976, with respect to her separation from her last employment.

The claimant last worked from February, 1975, through January 10, 1976, as a hostess for Michie Tavern, Charlottesville, Virginia.

The claimant was called by her employer into his office to discuss a raise she had received. While there, the employer had propositioned her. The claimant was very upset and when she told her husband about this incident, he became angry and was determined to confront the employer. The claimant and her husband went to the home of the employer in an effort to resolve the situation. At that time the employer denied any wrongdoing and became very angry and told the claimant and her husband to shut up or he would throw them out the window. The claimant felt that she could no longer work for the employer after this outburst and therefore resigned her position.

Although duly notified, the employer did not appear at the hearing or respond to the notice.

OPINION

§60.1-58 (a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found a claimant voluntarily left her last employment without good cause.

The Commission has previously held that a claimant can leave with good cause work which has become unsuitable for her.

In the present case, the uncontroverted testimony of the claimant indicates that the employer made a proposal to her which violated her moral standards and greatly upset her. When she attempted to resolve the matter, he responded with rage and threats. Therefore, the claimant's job became unsuitable for her and she did have good cause for leaving so as not to be subject to the disqualifying provisions of the aforementioned section of the Virginia Act.

DECISION

The determination of the Deputy is hereby affirmed. It is held that no disqualification be imposed with respect to the claimant's separation from her last employment.