

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

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Decision No.: 6309-C

Date: June 6, 1974

ABLE AND AVAILABLE: 160.15  
Efforts to secure employment  
or willingness to work. Attitude  
or behavior.

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-74-769) dated April 19, 1974.

ISSUES

Was the claimant discharged for misconduct in connection with his work within the meaning of Section 60.1-58(b) of the Code of Virginia (1950), as amended?

Has the claimant been available for work during the week or weeks for which he claims benefits within the meaning of Section 60.1-52(g) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

The findings of fact and opinion of the Appeals Examiner are adopted by the Commission with the correction of the next to the last paragraph of the Examiner's opinion.

That paragraph is not in conformity with past decisions of this Commission. It has been consistently held by this Commission that since benefits are paid on a weekly basis, that eligibility must also be determined on a week by week basis. See Jeanne C. Stroud v. First National Bank, Commission Decision No. 5621-C (April 14, 1972). The Examiner, however, looked at the contacts with prospective employers over the total eight-week period rather than on a week by week basis.

When examined on a weekly basis, it is apparent that the claimant failed to list any employer to whom he applied for work during the week ending February 16, 1974. He states only that he has looked for a panel job in Charlottesville, Virginia. No job contacts were listed for the week ending February 23, 1974. During the weeks ending March 2, 1974, and March 9, 1974, the claimant contacted but one prospective employer per week. He also stated that two other contacts were made in Charlottesville, Virginia, but failed

to give the names of employers or dates of the contacts. During the weeks ending March 16, 1974, and March 23, 1974, the claimant contacted but one prospective employer per week. During the week ending March 30, 1974, and the week ending April 6, 1974, the claimant made but one contact per week.

The Commission must conclude that the claimant has not made an active search for work. Even though he has stated that he had transportation problems because of the gas crisis, the claimant would go to Charlottesville or Staunton and make but one contact per visit. Surely, he could have scheduled other interviews or seek other employers while in the metropolitan areas. He has demonstrated that he could get to those areas and being able to do so, he should have made more contacts with prospective employers. Had he not been able to get to the metropolitan areas, it would have been incumbent upon him to expand his search for work to employers in his locality rather than to restrict his search for work. (Underscoring supplied.)

#### DECISION

The decision of the Appeals Examiner is hereby affirmed. It is held that the claimant did not meet the eligibility requirements of the Act from February 10, 1974, through April 6, 1974, the claim weeks before the Commission.