



Nature of Work

DECISION OF COMMISSION

In the Matter of

William Gilliam, Claimant
████████████████████

Greenbank Services Company, Inc.
Hopewell, Virginia

Employer

Date of Appeal

To Commission: March 25, 1976

Date of Hearing: June 10, 1976

Decision No.: 7927-C

Date of Decision: June 11, 1976

Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the employer from the decision of the Examiner (No. UI-76-1399), dated March 10, 1976.

ISSUES

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

Has the claimant been able and available for work within the meaning of § 60.1-52 (g) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

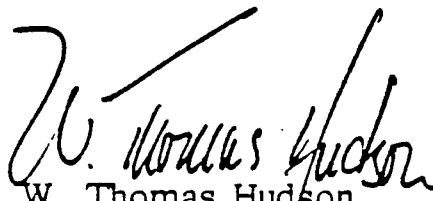
The findings of fact and opinion of the Appeals Examiner are adopted by the Commission.

At the hearing before the Commission the employer's representative stated that he did not feel that the claimant should be disqualified under any of the subsections of § 60.1-58 (a), but rather that because the claimant had lost his license to drive that he was not able and available for work in his normal occupation and, therefore, should be ineligible for benefits for failing to meet the eligibility requirements as set forth in § 60.1-52 (g) of the Code of Virginia.

It was previously held in John J. Trent v. Roanoke Telecasting Corp., Commission Decision No. 5785-C (September 28, 1972) that § 60.1-52 (g) does not require that a claimant be able or available to perform work in a specific occupation or location. This section requires only that a claimant be able to perform gainful employment and be generally available for work without placing any undue restrictions upon his employability. Therefore, in the present case, although the claimant because of loss of his driver's license is not able to perform services as a truck driver, he nevertheless remains able to perform services as a laborer as he had done in the past. Accordingly, as long as he demonstrates his availability for work by making an earnest and active search for work without placing any undue restrictions upon his availability, he shall be deemed to have met the able and available requirements as set forth in § 60.1-52 (g) of the Code.

DECISION

The decision of the Appeals Examiner is hereby affirmed.


W. Thomas Hudson
Legal Advisor