



DECISION OF COMMISSION

In the Matter of

Jerry H. Pogue, Claimant
[REDACTED]

INTERSTATE

Date of Appeal

To Commission: February 20, 1985

Date of Review: March 26, 1985

Place: RICHMOND, VIRGINIA

Decision No.: UCFE-1022

Date of Decision: March 26, 1985

Date of Mailing: March 29, 1985

Final Date to File Appeal

with Circuit Court: April 18, 1985

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This is a matter before the Commission on appeal by the claimant from the Decision of Appeals Examiner (No. UCFE-85-26), mailed January 30, 1985.

ISSUE

Does the claimant have sufficient earnings in covered employment during his base period so as to qualify for unemployment compensation benefits as provided in Section 60.1-52 (a) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT

The claimant filed a claim for unemployment compensation effective December 9, 1984, thereby establishing a base period which began July 1, 1983, and ended on June 30, 1984. His base period wages totalled \$6,232.61, all of which was earned during the third quarter of 1983.

OPINION

Section 60.1-52 (a) of the Virginia Unemployment Compensation Act provides in pertinent part as follows:

"An unemployed individual shall be eligible to receive benefits with respect to any week only if the Commission finds that:

- (a) He has in the highest two quarters of earnings within his base period earned wages in employment for employers equal to not less than the lowest amount appearing in Column A of the 'Benefit Table' appearing in §60.1-47 on the line which extends through Division C on which in Column B of the 'Benefit Table' appears his weekly benefit amount, such wages to be earned in not less than two quarters." (Emphasis added)

In his appeal, the claimant argued that he should be found monetarily eligible to receive benefits because he had base period earnings which exceeded the minimum qualifying amount for eligibility and that he had worked in the second quarter of 1983, which had been wrongfully omitted from consideration.

Section 60.1-6 of the Act defines the base period as the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year. In this instance, because the first day of the benefit year was December 9, 1984, the base period began July 1, 1983, and included the third and fourth quarters of 1983, as well as the first and second quarters of 1984, which ended June 30, 1984. The claimant's work during the second quarter of 1983 preceded the base period and cannot be used to determine his monetary eligibility for benefits. While it is true that the claimant's base period earnings exceed the minimum qualifying amount for eligibility, it is clear that they did not occur in two separate quarters of the base period. Hence, they are not sufficient within the meaning of the Act. For this reason, the Commission must conclude that the claimant has failed to satisfy the eligibility requirements for the aforementioned section of the Act. (Underscoring supplied)

DECISION

The Decision of Appeals Examiner is hereby affirmed. It is held the claimant did not have sufficient earnings during his base period so as to be monetarily eligible for unemployment compensation benefits.

A handwritten signature in cursive script that reads "Patrice T. Johnson". The signature is written in black ink and is positioned above the printed name and title.

Patrice T. Johnson
Special Examiner