



VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

SUITABLE WORK: 450.4

Time- Part time or full time.

In the matter of:

Claimant

Virginia F. Martin  
2960 Strathmeade Street  
Falls Church, VA 22042

Employer

Climate Trane Air Conditioning Co.  
6801 Wilson Boulevard  
Falls Church, VA 22044

Appellant:	<input checked="" type="checkbox"/> Employer	<input type="checkbox"/> Claimant
Claimant's S.S. No.:	[REDACTED]	
Decision No.:	UI-74-2148	
Date Deputy's Determination:	August 9, 1974	
Date Referred or Appealed:	August 15, 1974	
Date of Hearing:	September 4, 1974	
Place of Hearing:	Falls Church, Va.	
Date of Decision:	September 4, 1974	
Date of Mailing:	September 6, 1974	

APPEARANCES: Claimant; Employer Representative

STATUTORY PROVISIONS & POINTS AT ISSUE: Code of Virginia Section 60.1-58 (a) Whether or not the claimant voluntarily left her last employment without good cause? Section 60.1-58 (c) Whether or not the claimant refused an offer of available, suitable work?

FINDINGS OF FACT: The employer appealed from a determination of the Deputy, which held the claimant not subject to disqualification and eligible for benefits effective June 30, 1974.

The claimant had last been employed by Climate Trane Air Conditioning Company, as a phone solicitor at \$3.00 per hour and had worked for this employer from February 5, 1974, through May 18, 1974.

While employed on this job, she worked from 10:00 a.m. to 4:00 p.m., five days per week. The claimant left this employer to accept a position as telephone room manager for Boise Cascade Corporation, at a salary of \$3.50 per hour for forty hours per week. She worked for this employer less than thirty working days and was laid off when her services were no longer needed.

The week following her separation from the Boise Cascade Corporation, she visited her last thirty-day employer to get a sweater and at that time, her previous supervisor offered her work in her prior capacity as a phone solicitor. The claimant refused this offer stating that she wanted more stable work and was attempting to secure Federal employment. It is the claimant's contention that since this work was part time, only thirty-hours per week, she should not have been required to accept it. The claimant had assumed that her new position with Boise Cascade Corporation would

be a permanent job although she did not inquire as to its permanency before entering on work.

OPINION: Section 60.1-58 (a) of the Code of Virginia provides a disqualification if it is found that an individual voluntarily leaves work without good cause.

The Commission in Decision No. 3160-C had this to say in part:

"The phrase 'good cause' has been consistently construed to embrace a claimant's decision to change from one job to another where he has a reasonable expectation of improving himself or where he deemed such a change to be for his own best interest. If the job to which he transfers is permanent, or he has a reasonable basis for believing it to be, and he has actually obtained the job, in contrast to mere anticipation of securing it, his leaving must be deemed to be with good cause."

In view of the above, it would appear that this claimant's leaving of her last thirty-day employer would be with good cause within the meaning of that term as used in the Act.

Section 60.1-58 (c) of the Code of Virginia provides a disqualification if it is found an individual refuses an offer of available, suitable work.

The Virginia Unemployment Compensation Act does not distinguish between temporary, part time or full-time employment. The only requirement of the law is that the work which is offered to an individual must be suitable. In determining whether any work is suitable, the Commission shall consider, among other things, if the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

Since this claimant had previously accepted work for this employer and in fact, had worked on the same job offered her for over three months, it would appear that the employment offered this claimant was suitable work. The claimant's contention that she should not have to accept part-time work is without merit inasmuch as her acceptance of the job offered would not have precluded her continued search for full-time employment had she desired to do so. It is therefore concluded that this claimant has failed without good cause to accept an offer of available, suitable work.

DECISION: The determination of the Deputy is hereby affirmed and amended.

It is held that no disqualification should be imposed in connection with the claimant's separation from her last thirty-day employment.

It is also held that the claimant is disqualified effective June 30, 1974, for any week benefits are claimed until she has performed services for an employer during thirty days, whether or not such days are consecutive because she has refused an offer of available, suitable work.

  
J. L. Hayes, Appeals Examiner

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NOTE: This decision was affirmed by the Commission in Decision No. 6474-C dated October 18, 1974.