

COMMONWEALTH OF VIRGINIA
VIRGINIA EMPLOYMENT COMMISSION



VOLUNTARY LEAVING - 150.2
DISTANCE TO WORK -
TRANSPORTATION AND TRAVEL

DECISION OF COMMISSION

In the Matter of

Walter H. Campbell, Claimant
[REDACTED]

Shenandoah Sand and Gravel, Inc.
Elkton, VA 22827

Date of Appeal

To Commission: November 7, 1979

Date of Hearing: April 4, 1980

Decision No.: 13080-C

Date of Decision: April 8, 1980

Place: Richmond, Virginia

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This matter comes before the Commission on appeal by the claimant from the decision of the Appeals Examiner (UI-79-7508), dated October 29, 1979.

ISSUE

Did the claimant leave work voluntarily without good cause as provided in Section 60.1-58 (a) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT

Shenandoah Sand and Gravel, Incorporated of Elkton, Virginia was the claimant's last employer, where he had worked from April, 1979 through August 23, 1979.

The claimant lived in Buena Vista, Virginia, a distance of approximately sixty miles from the employer's work site.

The claimant does not have an automobile and he rode to work with a supervisor and several other employees who commuted from Lexington to the worksite in Grottoes. The claimant's uncontradicted testimony was that when his supervisor left his job and the other members of the car pool stopped working for the employer he had no way to get to work. He further testified that there is no public transportation between Buena Vista and Grottoes which he could have utilized.

OPINION

Section 60.1-58 (a) of the Code of Virginia provides a disqualification if it is found that an individual has left work voluntarily without good cause. The Commission has previously held that when work becomes unsuitable to an individual he would have good cause for voluntarily leaving it. While the general rule is that transportation to and from work is a personal problem to be resolved by the individual, where changed circumstances make the work inaccessible from the individual's residence the work would be unsuitable and an individual would not be disqualified for leaving it.

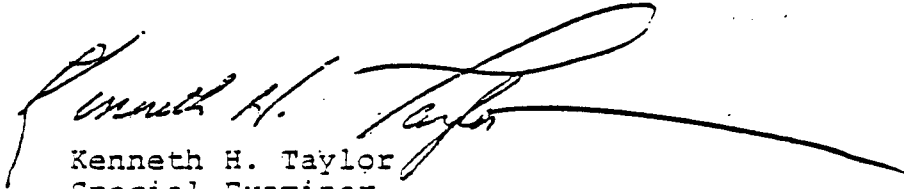
In the case presently under consideration, it is true that the claimant accepted the work with full knowledge that it was a distance of sixty miles from his residence in Buena Vista. This work was reasonably accessible from the claimant's residence during the four month period that his car pool was providing him transportation; however, when the claimant's car pool disbanded he was left with no transportation nor was there public transportation available to him. At that time, the work was no longer accessible from the claimant's residence, hence, it had become unsuitable to him. In this circumstance, the claimant should not be penalized for accepting employment a great distance from his residence after making good faith efforts to commute to the job.

In view of the foregoing, it is the opinion of the Commission that the claimant voluntarily left unsuitable work and, therefore, did so with good cause as that term is used in the Act.

DECISION

The decision of the Appeals Examiner is hereby reversed. It is held that no disqualification should be imposed in connection with the claimant's separation from his last employment.

The Claims Deputy is directed to determine whether the claimant was meeting the able and available requirements of the Act during the week or weeks claimed.


Kenneth H. Taylor
Special Examiner