

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF COMMISSION

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Decision No.: 7691-C

VOLUNTARY LEAVING: 450.4

Date: April 23, 1976

Time -

Part-time or full-time

This is a matter before the Commission on appeal by the employer from the decision of the Appeals Examiner (No. UI-75-6877), dated January 13, 1976.

ISSUE

Did the claimant leave his last employment voluntarily without good cause within the meaning of §60.1-58 (b) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

The claimant was employed by Larasan Realty Corporation at a salary of \$3,600.00 per year, which was a part-time position. His primary employment was with The Lakes, Inc., at a salary of \$14,800.00 per year. On or about June 15, 1975, the claimant was informed that his employment with The Lakes, Inc. would end on June 30, 1975, due to lack of business which was due to economic conditions at that time. The claimant on June 16, 1975, submitted his resignation to Larasan Realty Corporation to become effective June 30, 1975, because he felt that he could not continue employment at the salary he was being paid. The employer representatives have indicated that had the claimant desired to continue with his employment, it was felt that some arrangements could have been made so he could continue with his work at a salary that would have been in the area in which he had been earning at The Lakes, Inc. When the claimant submitted his resignation, it forestalled the Larasan management from discussing with him any negotiations so that he could continue with his employment. The claimant filed a claim for unemployment compensation on July 16, 1975, which became effective July 13, 1975.

The Commission has on numerous occasions reiterated its policy that an individual should retain his employment as long as possible. Although this claimant had been released from his employment that was the primary source of his income, it was not mandatory he give up his part-time employment at the time he did. If he had not resigned, he could have possibly negotiated with the company for work that would remunerate him to the extent so he could have remained with the employer.

This claimant shortly after his separation from his employment filed a claim for unemployment compensation at the Virginia Beach office of the Commission. It is apparent that the claimant could have retained his part-time employment and used his spare time in seeking the type of work he desired. The claimant was not forced or compelled to give up his \$3,600.00 a year job at the time he did. His reasons for leaving his employment are personal and do not constitute good cause, and he is subject to the disqualifying provision of §60.1-58 (a) of the Code of Virginia.

DECISION

The decision of the Appeals Examiner is hereby reversed. It is held that the claimant is disqualified for unemployment compensation effective July 13, 1975, for having left work voluntarily without good cause, and remains in effect until he has performed services for an employer for thirty days, whether or not such days are consecutive.