



DECISION OF COMMISSION

In the Matter of

James E. Rapp, Jr.  
[REDACTED]

Dick Harris & Son Trucking Co.  
Lynchburg, Virginia  
(Last 30-Day Employing Unit)

Carolina Western Express, Inc.  
Gastonia, North Carolina  
(Subsequent Employing Unit)

Date of Appeal  
To Commission: February 26, 1985  
Date of Review: April 2, 1985  
Place: RICHMOND, VIRGINIA  
Decision No.: 24838-C  
Date of Decision: April 3, 1985  
Date of Mailing: April 5, 1985  
Final Date to File Appeal  
with Circuit Court: April 25, 1985

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This matter comes before the Commission on appeal by the claimant from the decision of the Appeals Examiner (No. UI-85-665) mailed February 8, 1985.

ISSUE

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

FINDINGS OF FACT

The Findings of Fact of the Appeals Examiner are adopted by the Commission. Those findings are:

"The claimant appealed from a determination of the Deputy which disqualified him for unemployment compensation benefits effective December 23, 1984, for having left the employment of Carolina Western Express, Incorporated, without good cause.

The claimant was employed with Carolina Western Express, Incorporated, from November 12, 1984, through November 28, 1984, sixteen calendar days. He performed services as an

over-the-road truck driver, being compensated at 20¢ per mile.

The claimant understood that he would primarily run the east coast; however, on his first trip out, he was sent to New York, North Carolina, Dallas, Texas, Illinois, and back to South Carolina, before being returned to his terminal in Lynchburg, Virginia. During the six-day run, the claimant laid over eight nights, six of which he was reimbursed by the company at a rate of \$25 per day, plus his room.

The claimant quit his job with Carolina Western Express, Incorporated, after the one run, because he did not feel that he was being compensated adequately, and was away from home too much."

In addition, the Commission finds that the claimant quit his job when he called his employer on December 3, 1984 and told him that he couldn't come back because he was losing money instead of making money. The claimant has received three paychecks in the amount in of \$239, \$160 and \$30, a total of \$429 for services performed during his sixteen days of employment with this employer. His first check, however, was not received until after he quit.

#### OPINION

Section 60.1-58(a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found that a claimant has left work voluntarily without good cause. When applying the "good cause" proviso in the statute to cases where claimants leave work because of personal financial considerations, the Commission has consistently applied the following principle:

"This Commission has been steadfast in its refusal to delve into the personal financial difficulties of any claimant. Once this principle is relaxed and we endeavor to determine 'good cause' on the basis of income compared with expenses, or wages versus needs and wants, the door will be open to such vague, collateral inquiries as the claimant's ability to budget, his discretion in apportioning his income, his standard of living and the countless other factors which involve the particular economic problems which confront each of us as individuals. None of us are entirely free from the problems of finance, and the Unemployment Compensation Act was never intended as a complete solution to those problems. Essentially the Act provides a measure of security against the loss of employment arising out of some frailty of the business economy. Primarily it insures a suitable job, or the compensation for the loss of such job, but it does not insure to any person that all of his

individual needs or wants will be satisfied." Helen R. Sutherland v. Piggly Wiggly Super Market, Decision of Commissioner No. 3066-C (January 16, 1957).

In a more recent case, the Commission has stated that:

"At best, such an analysis would be highly subjective since it involves questions of personal taste, habit, and ability to manage money, all of which may vary from one person to the next. Problems such as housing and transportation must be resolved by every member of the labor force." Lonnie Durst v. United Masonry Inc. of Va., Decision of Commission No. 24702-C (March 8, 1985).

The claimant, who in this case was an over-the-road truck driver, felt that he was unable to sustain himself and his family during the early stages of his new employment without receiving advances on his wages and that these advances, which were subsequently deducted, were diminishing his take home pay to an amount which prohibited him from continuing in this employment. Since the wages received by the claimant for services he performed while in this employ have not been shown to have been less than prevailing, it would appear that the job was suitable and that his only reason for leaving was caused by his inability to adjust his personal financial needs to the payment policies of his employer. Although the accuracy of the reasons the claimant has given for relinquishing his employment is not in doubt, these reasons, as can be seen from the above, cannot be held to be good cause within the meaning of that term as used in the Virginia Act. (Underscoring supplied)

DECISION

The decision of the Appeals Examiner disqualifying the claimant, effective December 23, 1984, for having left work voluntarily without good cause is hereby affirmed.



Joseph L. Hayes  
Special Assistant  
Commission Appeals