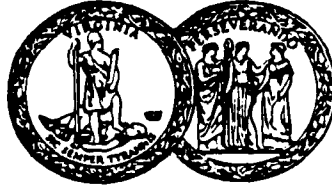


COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION



DECISION OF COMMISSION

In the Matter of

Delton R. Thompson, Claimant  
[REDACTED]

Dow Badische Company  
Williamsburg, Virginia

Employer

Date of Appeal

To Commission: October 30, 1974

Date of Hearing: November 21, 1974

Decision No.: 6514-C

Date of Decision: November 26, 1974

Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. UI-74-2463) dated October 17, 1974.

ISSUE

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

FINDINGS OF FACT AND OPINION

The claimant appealed from a decision of the Appeals Examiner which disqualified him for benefits effective August 11, 1974, for having left work voluntarily without good cause.

Dow Badische Company, Williamsburg, Virginia, was the claimant's employer for whom he worked as a research chemist from March 3, 1967, through June 1, 1974.

The employer furnished separation information which indicates that the claimant was discharged and states as follows:

"Declined job at New Jersey location."

No employer representative appeared at the hearings conducted by the Appeals Examiner or the Commission.

The claimant testified that he was asked on November 20, 1973 by the employer to accept a temporary job assignment in New Jersey which he accepted. On February 12, 1974 he was asked to accept the job in New Jersey on a permanent basis. The claimant declined to accept the job on a permanent basis since this work was in connection with water pollution and his usual occupation is in textile chemistry and that the relocation would have disrupted his children's school year.

Section 60.1-58 (a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found that a claimant left work voluntarily without good cause.

In Decision No. 5472-C, dated October 5, 1971, the Commission stated:

"This Commission has held that once a voluntary leaving is shown by the employer, the risk of non-persuasion devolves upon the claimant to show circumstances which constitute good cause for leaving employment. It has also consistently held that good cause for terminating one's own employment must necessarily be related to or, rise out of, such employment and is not to be predicated upon purely personal reasons. However, it is the opinion of the Commission that where an employer has offered work to an employee at a locale which is a considerable distance from the one at which the employee is working, such employee is not obligated to consider the offered work unless, at the time of the initial contract of hire, an understanding had been reached that the employee is subject to being transferred and must accept work at such locations of the employer as may be existent.

. . . It is not incumbent upon an employee to change his residence in order to maintain an employment relationship unless as a condition of such employment the employee agreed to so change his residence. "

No evidence has been presented to indicate that the claimant agreed to change his residence. The Commission thus finds that the claimant was involuntarily discharged for reasons which do not result in a disqualification under the Act.

#### DECISION

The decision of the Appeals Examiner is reversed. The Deputy is directed to determine the claimant's eligibility for benefits for the weeks claimed.



B. Redwood Councill  
Assistant Commissioner