

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 2136 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

RUTH M. HITCHCOCK
(Claimant)

LOCKHEED AIRCRAFT CORPORATION
(Employer)

PRECEDENT
BENEFIT DECISION
No. P-233

FORMERLY BENEFIT DECISION No. 2136
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The above-named employer on January 5, 1946, appealed from the decision of a Referee (R-5848-28982-45) which held that the claimant had voluntarily left her most recent work with good cause within the meaning of Section 58(a)(1) of the Unemployment Insurance Act [now section 1256 of the Unemployment Insurance Code].

Based on the record before us, our statement of fact, reason for decision, and decision are as follows:

STATEMENT OF FACT

The claimant was last employed for two and one-half years by the appellant-employer as a riveter in its Burbank plant. She was receiving a wage of \$1.11 per hour including a six cents per hour swing shift bonus when she voluntarily left on September 17, 1945, because of transportation difficulties.

On September 21, 1945, the claimant registered as an aircraft assembler and filed a claim for benefits in the Los Angeles office of the Department of Employment. Upon receiving notice that a claim for benefits had been filed, the employer herein protested and on October 15, 1945, the Department issued a determination which held that the claimant had not voluntarily left her most recent work without good cause within the meaning of Section 56(a)(1) [sic] of the Act [now section 1256 of the code]. The employer appealed and a Referee affirmed the determination.

The claimant resides in Los Angeles and when commuting to her work at the employer's plant in Burbank, she used a private bus line operated by the employer or occasionally obtained private transportation with other individuals in the vicinity of her residence. She testified that in order to reach the intersection where she boarded the employer's bus at 2:34 p.m., a walk of eleven long blocks was required and a similar walk was necessary upon her return from work at about 2:00 a.m. The trip on the employer's bus was approximately forty-five minutes. According to the record, upon the cessation of hostilities in August, 1945, the claimant was unable to obtain further rides with others in her neighborhood and because of the long walk which the use of the employer's transportation necessitated and which was objectionable to her, she voluntarily terminated on September 17, 1945.

REASON FOR DECISION

Section 58(a)(1) of the Unemployment Insurance Act [now section 1256 of the code] provides that an individual shall be disqualified from benefits if:

"(1) He has left his most recent work voluntarily without good cause, if so found by the Commission."

Each case involving a determination of whether or not an individual has good cause for voluntarily leaving his most recent employment must necessarily be predicated upon the particular facts, viewed in the light of the applicable statutory provisions quoted above.

In this case the evidence show that the claimant voluntarily left her position with the appellant-employer because she no was longer able to obtain private transportation and the use of the bus furnished by the employer required a long walk, the latter part of which was in the early morning hours. In addition to the walk, there was involved a travel time on the employer's bus of one and one-half hours each day. Considering the entire lack of transportation which necessitated a long walk, and the travel time and distance involved, we agree with the Referee that the claimant, although unquestionably voluntarily leaving her work, did so with good cause. Therefore, she is not subject to the disqualification provided in Section 58(a)(1) of the Act [now section 1256 of the code].

DECISION

The decision of the Referee is affirmed. Benefits are allowed provided the claimant is otherwise eligible.

Sacramento, California, April 5, 1946.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

TOLAND C. McGETTIGAN, Chairman

MICHAEL B. KUNZ

HIRAM W. JOHNSON, 3rd

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 2136 is hereby designated as Precedent Decision No. P-B-233.

Sacramento, California, February 9, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT