BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the Matter of:

HERRMANN GLOCKLER
(Claimant)

ULTEK
DIV. OF PERKIN ELMER CORP.
(Employer)

PRECEDENT
BENEFIT DECISION
No. P-B-123
Case No. 70-3537

The employer appealed from Referee's Decision No. SJ-1075 which held the claimant was not disqualified for benefits under section 1256 of the Unemployment Insurance Code and that the employer's reserve account was subject to charges under section 1032 of the code.

STATEMENT OF FACTS

The claimant worked for the above employer for approximately one year and eleven months as a designer at a wage of $4.96 per hour. His employment ended on June 3, 1970.

On May 20, 1970 the claimant was offered a job by a job shop as a mechanical designer at an hourly wage of $6. After investigating the type of work and the continuing job security which the new job would afford, the claimant accepted employment with the job shop on May 25, 1970. On May 28 he informed his supervisor that he had accepted other employment which was to commence on June 6, 1970. It was agreed with the supervisor that if the claimant could finish his assigned work before that date, he could take vacation and terminate his employment. The claimant had two weeks' vacation coming from the employer. He completed his work and left the employment on June 3, 1970.

On May 28 the claimant was informed that the new job would not be available as the company which was to use the services of the claimant did not have sufficient funds to employ him.

On June 2, 1970 the claimant told his supervisor that he would possibly like to remain employed and not take the new job. The claimant and his supervisor had a friendly discussion and the supervisor suggested to the claimant that the other job offer was more challenging and afforded him more opportunity than remaining with the employer herein. From the conversation with his supervisor, the claimant understood that work was slow in the design department and he could only stay with the employer provided he agreed to remain indefinitely. The claimant did not wish to do this since the job he was doing did not offer the challenges he desired. Because of his personal pride the claimant did not tell his supervisor that he had been informed that his new job was not available. However, had he done so, the employer would have retained him.

REASONS FOR DECISION

Section 1256 of the California Unemployment Insurance Code provides that an individual is disqualified for benefits, and sections 1030 and 1032 of the code provide that the employer's reserve account may be relieved of benefit charges, if the claimant left his most recent work voluntarily without good cause.

In interpreting these sections we must always consider the legislative intent as set down in section 100 of the Unemployment Insurance Code, wherein it is stated:

> "The Legislature therefore declares that in its considered judgment the public good and the general welfare of the citizens of the State require the enactment of this measure under the police power of the State, for the compulsory setting aside of funds to be used for a system of unemployment insurance providing benefits for persons unemployed through no fault of their own, and to reduce involuntary unemployment and the suffering caused thereby to a minimum." (Emphasis added)

We held in Appeals Board Decision No. P-B-27 that there is good cause for the voluntary leaving of work where the facts disclose a real, substantial and compelling reason of such nature as would cause a reasonable person genuinely desirous of retaining employment to take similar action.

In deciding the issue of good cause for leaving work to accept other employment, no definite standards or criteria may be established to apply uniformly to each case. All of the factors which influenced the claimant's decision to leave one job to accept other work must be considered together as a whole in order to decide if good cause existed. (Appeals Board Decision No. P-R-91) Consideration must be given, among other factors, to the relative remuneration, permanence, and working conditions of the respective positions as well as the inducements or assurances, if any, made to the claimant by the prospective employer.

In the present case, at the time the claimant submitted his resignation, he had been hired to commence a new job at a substantially higher hourly wage with better opportunities for the type of work he wished to do. Therefore, the claimant acted reasonably in submitting his resignation to terminate his employment. However, the fact that a person may set a date for resigning from employment is not the controlling factor. The most pertinent consideration is whether the claimant could have remained working for an employer on the actual date he left.

When the claimant herein discussed with his supervisor the possibility of remaining with the employer, the claimant knew he would be without employment after June 3, 1970. At that time he should have informed his supervisor that the other job did not materialize and attempted to withdraw his resignation. Had he done so the employer would have retained him. Although the claimant believed he would be able to find other work which he would prefer, there was no reason why he could not have remained with the employer while attempting to find such work. It cannot therefore be found that the claimant was unemployed after June 3, 1970 through no fault of his own. Since the evidence shows the claimant could have withdrawn his resignation and remained employed, we must conclude the claimant voluntarily left his most recent work without good cause within the meaning of section 1256 of the code.

DECISION

The decision of the referee is reversed. The claimant is disqualified for benefits under section 1256 of the code commencing June 7, 1970. The employer's reserve account is relieved of charges under section 1032 of the code.

Sacramento, California, January 13, 1972.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

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