

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 4995 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

BETTY B. HIGGINS

PRECEDENT
BENEFIT DECISION
No. P-B-200

FORMERLY BENEFIT DECISION No. 4995
--

The above-named claimant on February 19, 1948, appealed from the decision of a Referee (LA-11107) which held that the claimant was not available for work as required by Section 57(c) of the Unemployment Insurance Act (now section 1253(c) 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 weeks in Avalon, California, as a waitress. She was receiving a wage of \$6.80 per day when she was laid off at the end of the season on September 13, 1947. Immediately preceding this employment she worked in Avalon as a waitress for over three months. She has had some experience as a salesclerk and as an office worker.

On September 19, 1947, the claimant registered for work and filed a claim for benefits in the San Pedro office of the Department of Employment. On December 24, 1947, the Department issued a determination which disqualified the claimant indefinitely commencing December 19, 1947, on the grounds that she was not available for work as required by Section 57(c) of

the Act. From this determination the claimant appealed and a Referee affirmed the determination.

The claimant moved to Avalon on April 1, 1946, and was employed there as a waitress until the end of the 1946 season. After she was laid off from the same work at the end of the 1947 season she sought whatever work she could obtain in the establishments which remain open all year. The claimant placed no restrictions on acceptable employment. During November 1947, she married a permanent resident of the island.

Avalon is located on Catalina Island off the shore of the Los Angeles harbor and is a well known summer resort for tourists and vacationers. The employment opportunities decrease during the winter season and at that time there is very little activity on the island for the year around residents. The claimant sought employment in four cafes, a large chain grocery store, a bank, and the telephone company, which constitute a large part of the potential employers during the off-season.

REASON FOR DECISION

The Appeals Board has previously held that a where a claimant is a permanent resident of a locality and becomes unemployed at the end of a season because industry no longer is able to offer him employment, that claimant remains a member of the labor force although unable to continue as an active member.

The claimant, when she became unemployed at the end of the resort season, had been a permanent resident of Avalon for some time. She sought to continue as an active member of the labor force by seeking work in such establishments as might provide employment during the off-season, and placed no unreasonable restrictions or limitations on acceptable employment. Under these circumstances, we hold that the claimant's unemployment was due, not to her withdrawal from the labor market but rather to the failure of industry to offer her employment. Therefore, we conclude that the claimant met the availability requirements of Section 57(c) of the Act during the period involved in this appeal.

DECISION

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

Sacramento, California, July 22, 1948.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

TOLAND C. McGETTIGAN, Chairman

MICHAEL B. KUNZ

GLENN V. WALLS

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 4995 is hereby designated as Precedent Decision No. P-B-200.

Sacramento, California, January 29, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT