

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 6459 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

RUBY LEE EVANS
(Claimant-Appellant)

Referee's Decision
No. SF-6661

PRECEDENT
BENEFIT DECISION
No. P-B-254

FORMERLY BENEFIT DECISION No. 6459
--

STATEMENT OF FACTS

This claimant appealed to a referee from a determination of the Department of Employment which held that the claimant was not entitled to benefits under sections 1253(c), 1256, and 1309 [now section 1264] of the Unemployment Insurance Code. On November 23, 1955, the Appeals Board set aside the decision of the referee and removed the matter to itself under section 1336 of the code.

The claimant was employed as a shirt presser by a laundry in San Francisco for a period of about five months until November, 1954, when she voluntarily left her work due to pregnancy. The claimant was then in her second month of pregnancy; and she decided to leave her work because she did not feel well enough to continue working. There is no evidence as to whether the claimant was advised by her physician to discontinue working. The claimant testified that she did not request a leave of absence.

The claimant's husband had been steadily employed and had been at all times the major support of his family which consisted of the claimant and four children. The claimant's child was born in May, 1955.

Effective July 10, 1955, the claimant filed a claim for unemployment insurance benefits and established a benefit year. Although the claimant was a member of the Laundry Workers' Union, she had permitted her membership to lapse by failing to pay her dues. It does not appear that she requested a withdrawal card from the union. Laundry jobs in San Francisco were entirely controlled by the union. The claimant at no time contacted the union with respect to employment. On July 27, 1955, the department telephoned the claimant regarding a job possibility. Because of illness, the claimant did not report in response thereto until July 29, 1955. On or about August 19, 1955, the claimant secured employment as a result of a referral by the department.

The issues to be decided herein are as follows:

1. Was the claimant disqualified under section 1256 of the code?
2. Was the claimant ineligible under section 1309 of the code [now section 1264 of the code]?
3. Was the claimant ineligible under section 1253(c) of the code?

REASONS FOR DECISION

Since the claimant did not attempt to show that her health required her to leave her employment, we must hold that the claimant voluntarily left her employment without good cause (code section 1256; Benefit Decisions Nos. 5069 and 5686).

Since the claimant left her work because of her pregnancy, she did so for "marital or domestic duties" (code section 1309 [now section 1264 of the code]; Benefit Decision No. 6109). Because the claimant's husband was the major support of the family at the time the claimant left her work and at the time she filed her claim for unemployment insurance benefits, the claimant was ineligible for such benefits because of the provisions of code section 1309 [now section 1264 of the code] (Benefit Decision No. 6325).

From the evidence before us, we find that the claimant's employment field was entirely subject to union control. We have previously held that, where work in a particular field is primarily subject to union control, a claimant must be registered for work with the union and must strictly comply with the dispatching requirements thereof (Benefit Decisions Nos. 4488, 4935, 4987). Since the claimant made no effort to establish herself with her union and since there is no other evidence that she had become genuinely attached to the labor market upon and following the filing of her claim for unemployment insurance benefits, we hold that she did not meet the eligibility requirements of section 1253(c) of the code.

DECISION

The department's determination is affirmed. Claimant was properly disqualified for a period of five weeks under section 1256 of the code and was ineligible for benefits for an indefinite period under sections 1253(c) and 1309 of the code [now section 1264 of the code].

Sacramento, California, March 9, 1956.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

MICHAEL B. KUNZ, Chairman

GLENN V. WALLS

ARNOLD L. MORSE

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 6459 is hereby designated Precedent Decision No. P-B-254.

Sacramento, California, March 9, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT