BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 5089 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

BETTY J. WADE
(Claimant)

PACIFIC TELEPHONE
AND TELEGRAPH COMPANY
(Appellant-Employer)

PRECEDENT
BENEFIT DECISION
No. P-B-297

FORMERLY
BENEFIT DECISION
No. 5089

The above-named employer on April 20, 1948, appealed from the decision of a Referee (LA-12187) which held that the claimant 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 five months by the employer herein as a repair clerk at a wage of $37.00 per week. This employment terminated on February 18, 1948, under circumstances hereinafter set forth.
The claimant has had prior experience as a machine shop worker, general office clerk, and salesclerk.

On March 1, 1948, the claimant registered as a typist-clerk and filed a claim for benefits in the Van Nuys office of the Department of Employment.

On March 19, 1948, the Department determined that the claimant was subject to disqualification based upon a finding that she had voluntarily left her most recent work without good cause within the meaning of Section 58(a)(1) of the Unemployment Insurance Act [now section 1256 of the code]. The claimant appealed and a Referee reversed the determination.

When the claimant entered into employment with the employer she was assigned to work in the repair service department. Her duties were considered to be more arduous and entailed a greater responsibility than customarily assigned to new employees. It was explained to her that if she found the work to be too exacting she could request assignment to work involving less responsibility. Her duties consisted of accepting calls from subscribers to the service and filing. The claimant was of the opinion that one of her fellow employees was inclined to shirk her share of the filing with the result that the claimant felt she was asked to assume more than her fair share. On or about February 10, 1948, the claimant discussed with her immediate supervisor the conditions of employment which she felt to be unsatisfactory, and was asked to "try it a little longer." The claimant agreed to this and the supervisor stated that he would investigate the possibilities of her transfer to another department. The following day the claimant was informed that there were no other openings and submitted her resignation effective February 18, 1948.

The claimant stated that the work had not adversely affected her health and that she liked the work, but that she "got so tired of it" because of her fellow employee's actions. The claimant had no prospects for other work when she voluntarily terminated the employment relationship.

REASON FOR DECISION

Although the term "good cause" as used in Section 58(a)(1) of the Act [now section 1256 of the code] cannot be broadly defined and is a circumstance which necessarily must be determined on the facts of each case, the following judicial observation as to the meaning of the term is helpful in arriving at a proper interpretation thereof: (Good cause implies) "real circumstances, substantial reasons, objective conditions . . . adequate excuses that will bear the test of reason, just grounds for actions and always the element of good faith." (Bliley Electric Co. v. Board of Review, 45 Atl. (2d) 898). Also, in Sturdevant v. U.C.C. (Pa) 45 Atl. (2d) 908, the Court observes that "real not imaginary, substantial not trifling, reasonable not whimsical, circumstances must compel the decision to leave employment or to refuse suitable work."

In the instant case we are not convinced that the claimant has submitted any substantial or compelling reasons for terminating the employment relationship. The evidence discloses that the claimant's health was not endangered and that she liked the work she was performing. Her principal objection was based upon a belief that a fellow employee was inclined to shirk her fair share of the filing. However, there is no evidence that the claimant was required to assume additional work because of this situation, and it seems reasonable to us that the claimant, as a new employee, should have expected to be assigned to work which was routine in character until opportunities for advancement became available. The evidence shows that the claimant registered only one complaint and request for transfer during her term of employment, and that was made only one day before submitting her resignation. She had no prospects of other work when she terminated the employment relationship. Under these facts and circumstances, we conclude that the claimant voluntarily left her work on February 18, 1948, for reasons which cannot be deemed sufficiently impelling to constitute "good cause" within the statutory provision and is therefore subject to disqualification as provided by Section 58(b) of the Act [now section 1260 of the code].

DECISION

The decision of the Referee is reversed. Benefits are denied for the week subsequent to the occurrence of the cause of disqualification in which she first registered for work and for the four next following weeks, as provided by Section 58(b) of the Act [now section 1260 of the code].

Sacramento, California, October 1, 1948.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

TOLAND C. McGETTIGAN, Chairman

MICHAEL B. KUNZ

GLENN V. WALLS

P-B-297

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 5089 is hereby designated as Precedent Decision No. P-B-297.

Sacramento, California, April 13, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT