

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 4817 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

NELL A.HURD

PRECEDENT
BENEFIT DECISION
No. P-B-324

FORMERLY BENEFIT DECISION No. 4817
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The above-named claimant on October 7, 1947, appealed from the decision of a Referee (S-4648) which disqualified her from benefits under Section 58(a)(4) of the Unemployment Insurance Act [now section 1257 (b) of the Unemployment Insurance Code] on the ground that she failed to apply for suitable employment without good cause. At the claimant's request, an additional hearing in this matter was held before a Referee acting as a representative of the California Unemployment Insurance Appeals Board on December 17, 1947, and a transcript of the evidence obtained by the Referee at the additional hearing has been referred to this Appeals Board for consideration.

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 seventeen months in Redding, California, as a bookkeeper for a frozen food locker concern. She voluntarily quit on February 28, 1947, at the end of the season when she felt that her services were no longer required.

On July 22, 1947, the claimant registered for work and filed a claim for benefits in the Redding, California office of the Department of Employment. On September 3, 1947, the Department issued a determination which held that the claimant was not available for work indefinitely from August 26, 1947, as required by Section 57(c) of the Unemployment Insurance Act [now section 1253(c) of the code], and disqualified the claimant for five weeks from August 26, 1947, on the ground that she failed to apply for suitable employment without good cause under Section 58(a)(4) of the Unemployment Insurance Act [now section 1257(b) of the code]. From this determination the claimant appealed and a Referee modified the determination and held that the claimant was available for work as required by Section 57(c) of the Unemployment Insurance Act [now section 1253(c) of the code] but that she was subject to disqualification under Section 58(a)(4) of the Act [now section 1257(b) of the code]. From that portion of the Referee's decision which disqualified the claimant under Section 58(a)(4) [now section 1257(b) of the code] the claimant has appealed to this Appeals Board.

Evidence obtained at the Referee's first hearing discloses that on September 3, 1947, the claimant was given a referral to work as a bookkeeper for an automobile dealer, wages to be arranged upon interview. She refused the referral but gave no reason for doing so other than to state that she preferred not to work for the particular prospective employer. The claimant had not been certain that there actually was an opening and in addition she did not want to work for this employer because "his reputation wasn't too good as to his treatment of his employees." The Department representative testified there was a bona fide order for a bookkeeper on record with the Employment Service and that the claimant was so informed.

At the second hearing the claimant explained more fully her reasons for refusing the referral on September 3, 1947. She stated that in the absence of her former employer shortly after the claimant had been employed, the prospective employer, who was a customer of her then present employer, came into the office and complained about his locker service. In attempting to take care of the matter, the claimant explained to him, "I am just the bookkeeper here", and that she knew nothing of the merits of his complaint but that she was confident her employer would make good any loss he had suffered. She testified that he replied, "Well, you're a hell of a bookkeeper." The claimant did not state these reasons as a basis of her refusal at the time of the referral because she did not have the permission of her former employer and she did not know whether to relate these facts without first consulting her employer.

The record discloses that the prospective employer may have had reason to question the efficiency of the claimant's predecessor as a bookkeeper and that he may not have known that the claimant was newly employed in place of the predecessor.

The claimant obtained full-time employment as a bookkeeper on September 24, 1947.

REASON FOR DECISION

The claimant was disqualified in this case under Section 58(a)(4) of the Unemployment Insurance Act [now section 1257(b) of the code], which provides for disqualifying an individual if "he, without good cause, has refused to accept suitable employment when offered to him, or failed to apply for suitable employment when notified by a public employment office."

There is no question that the work offered to the claimant was suitable as being consistent with her past training and experience. The only issue is whether she had good cause for her refusal to apply for such work. The claimant's doubts concerning the validity of the work offer do not constitute good cause. Even if there were basis for the doubt, it was the claimant's duty under Section 58(a)(4) of the Act [now section 1257(b) of the code] to accept the referral and inquire concerning the possible employment. However, the evidence indicates that there was no reasonable basis for the claimant's doubts.

The final question to be determined is whether the claimant's unpleasant past experience with the prospective employer gave her good cause to refuse the referral. In our opinion, it did not. The experience was almost two years in the past at the time the referral was made and it was not of such a severely unpleasant nature as to warrant any arbitrary rejection of consideration of the prospective employment. Both the lapse of time and the minor nature of the episode lead us to conclude that the claimant should have been willing at least to consider the possibility of employment. We hold, therefore, that the claimant refused a referral without good cause and that she is subject to disqualification as provided in Section 58(a)(4) of the Act [now section 1257(b) of the code].

DECISION

The decision of the Referee is affirmed. Benefits are denied for the week in which September 3, 1947, occurred and for the four weeks immediately following that week. Benefits are allowed thereafter, provided the claimant is otherwise eligible.

Sacramento, California, March 31, 1948.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

TOLAND C. McGETTIGAN, Chairman

MICHAEL B. KUNZ

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 4817 is hereby designated as Precedent Decision No. P-B-324.

Sacramento, California, May 18, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT