

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the Matter of:

STEVEN N. SMITH
(Claimant)

LONG BEACH UNIFIED SCHOOLS
(Employer)

PRECEDENT
BENEFIT DECISION
No. P-B-419-A
Case No. 80-7002
(LB-4P-10457)

On January 20, 1981, pursuant to the provisions of section 409 of the Unemployment Insurance Code, this Board issued Precedent Benefit Decision No. P-B-419 (Case No. 80-7002). The Board reversed the decision of the Administrative Law Judge in Case No. LB-4P-10457 and held that the claimant was not ineligible for unemployment insurance benefits under section 1253.3 of the Unemployment Insurance Code as he did not have reasonable assurance of reemployment after the summer recess period of 1980.

Thereafter the employer filed a mandamus proceeding in the Los Angeles County Superior Court, Case No. 62121, requesting that the Court require the Board to vacate and set aside its decision and to thereafter issue a new decision holding that the claimant did have reasonable assurance within the meaning of section 1253.3 of the code.

After a hearing in the Superior Court the petition for writ of mandate was granted. Subsequently, an appeal was taken by this Board to the Court of

Appeal, Second Appellate District (CIV No. B001803). That tribunal affirmed the judgment of the Superior Court, invalidated the Board's precedent decision, and held that the claimant did have reasonable assurance of reemployment within the meaning of section 1253.3.

Accordingly, pursuant to the decision of the court and in conformance with the provisions of section 409.1 of the Unemployment Insurance Code, we declare invalid for all purposes our decision in P-B-419 (Case No. 80-7002). Additionally, we now hold, as ordered, that the decision of the Administrative Law Judge in LB-4P-10457 is affirmed. The claimant had reasonable assurance of reemployment after the summer recess period of 1980.

ROBERT L. HARVEY

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CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

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NOTICE

Attached is Precedent Benefit Decision No. P-B-419-A. After an unfavorable decision of the Court, and pursuant to the provisions of section 409.1 of the Unemployment Insurance Code, the Board has invalidated and set aside P-B-419. That decision is no longer of any force or effect.

It is appropriate that this new precedent benefit decision (P-B-419-A) be filed in a manner that will clearly indicate that P-B-419 has been invalidated, and an annotation to that effect should be entered on P-B-419 itself.

LIONEL L. RIAVE, CHIEF COUNSEL

Attch