

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the Matter of:

LONA M. HAROLD
(Claimant)

PRECEDENT
BENEFIT DECISION
No. P-B-92
Case No. 70-3515

GENERAL DYNAMICS
CONVAIR DIVISION
(Employer)

The claimant appealed from Referee's Decision No. F-7673 which disqualified her for unemployment benefits for six weeks under section 1257(b) of the Unemployment Insurance Code on the ground that she refused an offer of suitable work without good cause.

STATEMENT OF FACTS

The claimant was employed by the above identified employer as an electronic assembler from July 8, 1969 until March 20, 1970 when she was laid off due to lack of work.

The claimant belongs to a union which has an agreement with the employer providing, among other things, that when it becomes necessary for the employer to reduce its work force, employees will be laid off in order of seniority. The contract also provided that when the employer deems it necessary to increase its work force, the laid-off employees must be offered recall to work in order of seniority. Such employees must respond to the recall to work within three days. If they do not so respond, their names are dropped from the employer's rolls.

When this claimant was laid off, she was informed both verbally and in writing of the necessity of keeping the employer informed of her current address and in the event she changed her address it was her responsibility to notify the employer of the change. When she was laid off she gave as her address 719 East Grand, Escondido.

Subsequent to her layoff, the claimant moved to Porterville, California. She testified that she gave a note to her supervisor on which she had written her address in Escondido as well as her new address in Porterville. She also testified that after she arrived in Porterville she mailed to the employer's personnel office a postcard containing her new address.

The employer's representative introduced as an exhibit the slip of paper the claimant's supervisor had received from her. This slip contained only the claimant's Escondido address. The employer's representative testified that the personnel office had never received any notice of a change of address from the claimant.

On April 7, 1970 the employer addressed a telegram to the claimant at her Escondido address informing her of her recall to work. No response to this telegram was received and the claimant's name was removed from the employer's roll subsequent to April 10, 1970.

REASONS FOR DECISION

In deciding cases which come before us, we must be guided by the legislative policy enunciated in section 100 of the Unemployment Insurance Code. This policy states that unemployment insurance benefits are payable to those persons unemployed through no fault of their own.

This claimant's unemployment after March 20, 1970 was due to the fact that her employer had no work for her and she was unemployed through no fault of her own. However, the situation changed on April 7, 1970.

The employer was under a contractual obligation not only to offer this claimant work on that day but to hold the job for the claimant for at least three days. The claimant was obligated to keep the employer informed of her current address during the period of her unemployment. Had the claimant met this obligation, she would have been offered suitable work. Although she testified that she did meet her obligation to the employer in regard to notification of a change of address, the preponderance of the evidence establishes that she did not do so. Thus, she effectively precluded the receipt of the offer of work.

Section 1257(b) of the code provides for the disqualification of a claimant if the claimant refuses an offer of suitable work without good cause. The claimant's failure to notify the employer of her change of address was tantamount to a refusal of suitable work because she effectively prevented the employer from offering her work. No good cause has been established for the claimant's failure to notify the employer as she was obligated to and we therefore conclude that she is subject to disqualification under section 1257(b) of the code.

Section 1260(b) of the code provides that if a claimant is disqualified under section 1257(b) of the code she is ineligible to receive benefits for a period of from two to ten weeks. The referee concluded that a six-week period of ineligibility should be assessed, and we see no reason to disturb this conclusion.

DECISION

The decision of the referee is affirmed. The claimant is subject to disqualification under code section 1257(b) and is ineligible for benefits for six weeks as provided for in section 1260(b) of the code.

Sacramento, California, December 16, 1970.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

ROBERT W. SIGG, Chairman

LOWELL NELSON

CLAUDE MINARD

JOHN B. WEISS

DON BLEWETT