

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

WOODALL INDUSTRIES, INC.,  
PLAINTIFF,

-vs-

No. 26150

MARIE TRACY, ET AL,  
DEFENDANTS,

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APPEARANCES: DOUGLAS, BARBOUR, DESENBURG & PURDY, FOR PLAINTIFF.  
FLORENCE N. CLEMENT, Ass't ATTY GEN. FOR DEFENDANT.

DECISION

THE ABOVE STYLED MATTER IS BEFORE THE COURT BY WAY OF CERTIORARI; ALL OF WHICH WILL MORE FULLY AND AT LARGE APPEAR FROM THE RECORDS IN THIS CASE. THE CLAIMANT IS A MARRIED WOMAN AND FOR SOME SEVEN YEARS WAS EMPLOYED AT THE WOODALL INDUSTRIES INCORPORATED. SHE LIVED SOME TWENTY-TWO MILES AWAY FROM HER PLACE OF EMPLOYMENT. ON JANUARY 27, 1941, CLAIMANT VOLUNTARILY TERMINATED HER EMPLOYMENT WITH WOODALL INDUSTRIES INCORPORATED, DUE TO THE FACT THAT THE FAMILY CAR WAS NO LONGER AVAILABLE TO HER FOR TRANSPORTATION TO AND FROM WORK. ON FEBRUARY 4, 1941, CLAIMANT FILED A CLAIM FOR TOTAL UNEMPLOYMENT.

ON APRIL 15, 1941, CLAIMANT AGAIN FELL HEIR TO THE USE OF THE FAMILY CAR OR OTHER TRANSPORTATION FACILITIES AND WAS BOTH ABLE TO WORK AND AVAILABLE FOR WORK. WHEN THE LAST MENTIONED DATE ARRIVED, HOWEVER, CLAIMANT HAD LOST HER SENIORITY RIGHTS AT THE WOODALL INDUSTRIES.

THE QUESTION OF WHETHER OR NOT CLAIMANT IS ENTITLED TO BENEFITS UNDER THE MICHIGAN UNEMPLOYMENT COMPENSATION ACT WAS DULY PRESENTED TO A REFEREE AND FINALLY TO THE APPEAL BOARD. BOTH THE REFEREE AND THE APPEAL BOARD FOUND AS A MATTER OF FACT AND LAW THAT SAID CLAIMANT WAS NOT ENTITLED TO ANY BENEFITS FROM FEBRUARY 4, 1941, TO APRIL 15, 1941, BUT ON AND AFTER SAID LAST MENTIONED DATE, SAID CLAIMANT, BEING ABLE TO WORK AND AVAILABLE FOR WORK, WAS ENTITLED TO BENEFITS UNDER SECTION 28-C OF THE ACT, WHICH READS AS FOLLOWS:

"HE IS ABLE TO WORK AND AVAILABLE FOR WORK."

THE COURT IS OF THE OPINION THAT THE FACTUAL FINDINGS MADE BY THE REFEREE ARE CONSISTENT WITH THE TESTIMONY TAKEN BEFORE HIM. REFERENCE IS HERE MADE TO THE RECORD ATTACHED TO THE PLEADINGS HEREIN.

THE COURT IS FURTHER OF THE OPINION THAT THE CONCLUSIONS REACHED BY THE REFEREE AND THE APPEAL BOARD ARE IN ACCORDANCE WITH THAT PORTION OF SAID ACT WHICH HAS TO DO WITH BENEFIT ELIGIBILITY CONDITIONS.

THIS COURT BEING OF THE OPINION THAT THERE IS NO BASIS EITHER IN FACT OR LAW TO REVERSE THE DECISION OF THE MICHIGAN UNEMPLOYMENT COMPENSATION COMMISSION APPEAL BOARD, THE DECISION APPEALED FROM IS AFFIRMED.

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H. RUSSELL HOLLAND  
CIRCUIT JUDGE.

DATED: SEPTEMBER 17, 1941