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Unemployment Compensation

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Miscellaneous

Special attention is called to *Fielder v. Ohio Edison Co.*³⁶ where it was held that the administrator of the estate of a fifteen year old boy could not join an action for wrongful death with an action for the pain and suffering both caused by the boy's contact with defendant's high voltage wire. A case such as this is always called a "procedural matter." But as is so often true, substance and procedure are Siamese twins — joined together at the heart. There is definite need for a statutory recognition of this situation.

WALTER PROBERT

UNEMPLOYMENT COMPENSATION

Decisions involving unemployment compensation in 1953 centered on the issue of availability for work and on procedural problems. The question of availability for work has been before the Ohio Court of Appeals several times in the past year. An unemployed, divorced mother failed to contact the employer to whom she was referred. She also neglected to determine whether she could travel between the day nursery where she left her child and the place of employment within half an hour. The mother relied on other persons' statements that she could not. It was reasonably probable that the employer would have made satisfactory arrangements to aid this mother. Benefits were denied on the ground that the claimant had not made herself available for work.¹

On the other hand, a claimant available to work as a rough carpenter and painter was granted benefits. He was banned from work because he was not a union member and the union had refused to admit him.²

Heretofore the courts, Board of Review and Administrator have liberally construed Ohio Revised Code Section 4141.29 (Ohio General Code Section 1345-6)³ which bars compensation when attending school. In *Cornell v. Schroeder*,⁴ a claimant was held unavailable for work when attending business school so benefits were denied. Stricter compliance with the express provision of the statute appears to be the new trend.

¹ *Cornell v. Wolf*, 63 Ohio L. Abs. 446, 109 N.E.2d 543 (App. 1952).

² *Matthews v. Board of Review*, 113 N.E.2d 117 (Ohio App. 1953).

³ "(c) no individual may be paid benefits for the duration of any period of employment with respect to which the administrator finds that such individual: (8) Has left his most recent work for the purpose of attending an established educational institution, or is a student regularly attending an established educational institution during the school term or customary vacation periods within the school term;

⁴ 94 Ohio App. 75, 114 N.E.2d 595 (1952).