

Sec. 31-236. Disqualifications. (a) An individual shall be ineligible for benefits:

(1) If the administrator finds that the individual has failed without sufficient cause either to apply for available, suitable work when directed so to do by the Public Employment Bureau or the administrator, or to accept suitable employment when offered by the Public Employment Bureau or by an employer, such ineligibility to continue until such individual has returned to work and has earned at least six times such individual's benefit rate. Suitable work means either employment in the individual's usual occupation or field or other work for which the individual is reasonably fitted, provided such work is within a reasonable distance of the individual's residence. In determining whether or not any work is suitable for an individual, the administrator may consider the degree of risk involved to such individual's health, safety and morals, such individual's physical fitness and prior training and experience, such individual's skills, such individual's previous wage level and such individual's length of unemployment, but, notwithstanding any other provision of this chapter, no work shall be deemed suitable nor shall benefits be denied under this chapter to any otherwise eligible individual for refusing to accept work under any of the following conditions: (A) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (B) if the wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; (D) if the position offered is for work which commences or ends between the hours of one and six o'clock in the morning if the administrator finds that such work would constitute a high degree of risk to the health, safety or morals of the individual, or would be beyond the physical capabilities or fitness of the individual or there is no suitable transportation available from the individual's home to or from the individual's place of employment; or (E) if, as a condition of being employed, the individual would be required to agree not to leave such position if recalled by the individual's former employer;

(2) (A) If, in the opinion of the administrator, the individual has left suitable work voluntarily and without good cause attributable to the employer, until such individual has earned at least ten times such individual's benefit rate, provided whenever an individual voluntarily leaves part-time employment under conditions which would render the individual ineligible for benefits, such individual's ineligibility shall be limited as provided in subsection (b) of this section, if applicable, and provided further, no individual shall be ineligible for benefits if the individual leaves suitable work (i) for good cause attributable to the employer, including leaving as a result of changes in conditions created by the individual's employer, (ii) to care for a seriously ill spouse or child, or parent domiciled with the individual, provided such illness is documented by a licensed physician, (iii) due to the discontinuance of transportation, other than the individual's personally owned vehicle, used to get to and from work, provided no reasonable alternative transportation is available, or (iv) to protect the individual or a child domiciled with the individual from becoming or remaining a victim of domestic violence, as defined in section 17b-112a, provided such individual has made reasonable efforts to preserve the employment, but the employer's account shall not at any time be charged with respect to any voluntary leaving that falls under subparagraph (A)(iv) of this subdivision; or (B) if, in the opinion of the administrator, the individual has been

discharged or suspended for felonious conduct, conduct constituting larceny of property or service, the value of which exceeds twenty-five dollars, or larceny of currency, regardless of the value of such currency, wilful misconduct in the course of the individual's employment, just cause, or participation in an illegal strike, as determined by state or federal laws or regulations, until such individual has earned at least ten times the individual's benefit rate; provided an individual who (i) while on layoff from regular work, accepts other employment and leaves such other employment when recalled by the individual's former employer, (ii) leaves work which is outside the individual's regular apprenticeable trade to return to work in the individual's regular apprenticeable trade, (iii) has left work solely by reason of governmental regulation or statute, or (iv) leaves part-time work to accept full-time work, shall not be ineligible on account of such leaving and the employer's account shall not at any time be charged with respect to such separation, unless such employer has elected payments in lieu of contributions;

(3) During any week in which the administrator finds that the individual's total or partial unemployment is due to the existence of a labor dispute other than a lockout at the factory, establishment or other premises at which the individual is or has been employed, provided the provisions of this subsection do not apply if it is shown to the satisfaction of the administrator that (A) the individual is not participating in or financing or directly interested in the labor dispute that caused the unemployment, and (B) the individual does not belong to a trade, class or organization of workers, members of which, immediately before the commencement of the labor dispute, were employed at the premises at which the labor dispute occurred, and are participating in or financing or directly interested in the dispute; or (C) the individual's unemployment is due to the existence of a lockout. A lockout exists whether or not such action is to obtain for the employer more advantageous terms when an employer (i) fails to provide employment to its employees with whom the employer is engaged in a labor dispute, either by physically closing its plant or informing its employees that there will be no work until the labor dispute has terminated, or (ii) makes an announcement that work will be available after the expiration of the existing contract only under terms and conditions that are less favorable to the employees than those current immediately prior to such announcement; provided in either event the recognized or certified bargaining agent shall have advised the employer that the employees with whom the employer is engaged in the labor dispute are ready, able and willing to continue working pending the negotiation of a new contract under the terms and conditions current immediately prior to such announcement;

(4) During any week with respect to which the individual has received or is about to receive remuneration in the form of (A) wages in lieu of notice or dismissal payments, including severance or separation payment by an employer to an employee beyond the employee's wages upon termination of the employment relationship, unless the employee was required to waive or forfeit a right or claim independently established by statute or common law, against the employer as a condition of receiving the payment, or any payment by way of compensation for loss of wages, or any other state or federal unemployment benefits, except mustering out pay, terminal leave pay or any allowance or compensation granted by the United States under an Act of Congress to an ex-serviceperson in recognition of the ex-serviceperson's former military service, or any service-connected pay or compensation earned by an ex-serviceperson paid before or after separation or discharge from active military service, or (B) compensation for

temporary disability under any workers' compensation law;

(5) (Repealed by P.A. 73-140);

(6) If the administrator finds that the individual has left employment to attend a school, college or university as a regularly enrolled student, such ineligibility to continue during such attendance;

(7) (Repealed by P.A. 74-70, S. 2, 4);

(8) If the administrator finds that, having received benefits in a prior benefit year, the individual has not again become employed and been paid wages since the commencement of said prior benefit year in an amount equal to the greater of three hundred dollars or five times the individual's weekly benefit rate by an employer subject to the provisions of this chapter or by an employer subject to the provisions of any other state or federal unemployment compensation law;

(9) If the administrator finds that the individual has retired and that such retirement was voluntary, until the individual has again become employed and has been paid wages in an amount required as a condition of eligibility as set forth in subdivision (3) of section 31-235; except that the individual is not ineligible on account of such retirement if the administrator finds (A) that the individual has retired because (i) such individual's work has become unsuitable considering such individual's physical condition and the degree of risk to such individual's health and safety, and (ii) such individual has requested of such individual's employer other work that is suitable, and (iii) such individual's employer did not offer such individual such work, or (B) that the individual has been involuntarily retired;

(10) (Repealed by P.A. 77-426, S. 6, 19);

(11) (Repealed by P.A. 77-426, S. 6, 19);

(12) (Repealed by P.A. 77-426, S. 17, 19);

(13) If the administrator finds that, having been sentenced to a term of imprisonment of thirty days or longer and having commenced serving such sentence, the individual has been discharged or suspended during such period of imprisonment, until such individual has earned at least ten times such individual's benefit rate;

(14) If the administrator finds that the individual has been discharged or suspended because the individual has been disqualified under state or federal law from performing the work for which such individual was hired as a result of a drug or alcohol testing program mandated by and conducted in accordance with such law, until such individual has earned at least ten times such individual's benefit rate;

(15) If the individual is a temporary employee of a temporary help service and the individual refuses to accept suitable employment when it is offered by such service upon completion of an assignment until such individual has earned at least six times such individual's benefit rate; and

(16) For purposes of subparagraph (B) of subdivision (2) of this subsection, "wilful misconduct" means deliberate misconduct in wilful disregard of the employer's interest, or a single knowing violation of a reasonable and uniformly enforced rule or policy of the employer, when reasonably applied, provided such violation is not a result of the employee's incompetence and provided further, in the case of absence from work, "wilful misconduct" means an employee must be absent without notice for three separate instances within an eighteen-month period and "just cause" means a single act of wilful misconduct in the course of an individual's employment which seriously endangers the

life, safety or property of the individual's employer, fellow employees or the general public. For purposes of subdivision (15) of this subsection, "temporary help service" means any person conducting a business which consists of employing individuals directly for the purpose of furnishing part-time or temporary help to others; and "temporary employee" means an employee assigned to work for a client of a temporary help service.

(b) Any individual who has voluntarily left part-time employment under conditions which would otherwise render him ineligible for benefits pursuant to subparagraph (A) of subdivision (2) of subsection (a) of this section, who has not earned ten times his benefit rate since such separation and who is otherwise eligible for benefits shall be eligible to receive benefits only as follows: (1) If such separation from the individual's part-time employment precedes a compensable separation, under the provisions of this chapter, from his full-time employment, he shall be eligible to receive an amount equal to the benefits attributable solely to the wages paid to him for any employment during his base period other than such part-time employment; or (2) if such separation from the individual's part-time employment follows a compensable separation, under the provisions of this chapter, from his full-time employment, he shall be eligible to receive an amount equal to the lesser of the partial unemployment benefits he would have received under section 31-229 but for such separation from his part-time employment or the partial unemployment benefits for which he would be eligible under section 31-229 based on any subsequent part-time employment. In no event may the employer who provided such part-time employment for the individual be charged for any benefits paid pursuant to the subsection. For purposes of this subsection, "full-time employment" means any job normally requiring thirty-five hours or more of service each week, and "part-time employment" means any job normally requiring less than thirty-five hours of service each week.

(1949 Rev., S. 7508; 1953, S. 3073d, 3074d, 3076d; 1953, 1955, S. 3075d; 1967, P.A. 790, S. 14; October, 1970, P.A. 1, S. 12; 1971, P.A. 835, S. 15, 16, 18, 19, 20, 20a; 1972, P.A. 279, S. 4; 291, S. 1; P.A. 73-76; 73-81; 73-140; 73-411; 73-536, S. 6, 12; P.A. 74-70, S. 1-4; 74-75; 74-229, S. 17, 22; P.A. 75-105; 75-427; P.A. 76-414, S. 2; P.A. 77-319; 77-323; 77-426, S. 6, 17, 19; P.A. 78-331, S. 40, 58; P.A. 79-376, S. 31; P.A. 80-78; 80-260, S. 3, 4; P.A. 81-12, S. 2; 81-318, S. 1, 6, 8; P.A. 82-262, S. 2; P.A. 85-26; 85-258, S. 1; 85-500; P.A. 86-55; 86-60; P.A. 88-88; P.A. 93-243, S. 5, 15; P.A. 95-323, S. 3, 8; P.A. 99-123.)

History: 1967 act substantially rewrote provisions for clarity, specified applicability with regard to suspension from work, leaving part-time for full-time work, unemployment because of a lockout, pregnant women and re periods of substantial unemployment and revised provision re retired persons; 1970 act added reference to extended benefit periods in Subdiv. (8); 1971 act made technical changes in Subdiv. (2), set period of ineligibility following woman's refusal to accept reemployment in Subdiv. (5) at period until she registers for work, applies for work, etc. rather than until she has been paid wages of at least one hundred dollars, deleted provision prohibiting wages paid prior to retirement as basis for benefits and added Subdiv. (10) re school personnel; 1972 acts added Subdiv. (11) re subsidiary education personnel; P.A. 73-76 changed amount of wages applicable in Subdiv. (8) from one hundred fifty to three hundred dollars and added alternate amount of ten times the weekly benefit rate; P.A. 73-81 added proviso re amount of wage offer in Subdiv. (1); P.A. 73-140 repealed Subdiv. (5) re pregnant women; P.A. 73-411

prohibited reduction of benefits paid to veterans in Subdiv. (9); P.A. 73-536 clarified disqualification in Subdiv. (2); P.A. 74-70 added exception in Subdiv. (4), repealed Subdiv. (7) re benefits to ex-servicemen under act of Congress in recognition of their service and changed wording of Subdiv. (9) slightly; P.A. 74-75 deleted proviso re amount of wage offer in Subdiv. (1); P.A. 74-229 substituted "next four following weeks" for "duration of the disqualification period" in Subdiv. (2); P.A. 75-105 changed alternate amount in Subdiv. (8) from ten to five times the weekly benefit rate; P.A. 75-427 prohibited refusing benefits to those who refuse work because a condition of employment is agreeing not to leave position if recalled by former employer; P.A. 76-414 added Subdiv. (12) re student work-study experience; P.A. 77-319 added proviso in Subsec. (1) re leaving suitable work for cause, authorized disqualification for felonious conduct or repeated misconduct and changed disqualification from four weeks to "until such individual has earned at least ten times his benefit rate"; P.A. 77-323 repeated amendment re leaving work for cause; P.A. 77-426 repealed Subdivs. (10) to (12) re school personnel; P.A. 78-331 made technical changes in Subdiv. (9); P.A. 79-376 substituted "workers' compensation" for "workmen's compensation" and redesignated Subparas. with capital letters; P.A. 80-78 changed basic period of ineligibility from four weeks to "until such individual has returned to work and has earned at least six times his benefit rate in Subdiv. (1)"; P.A. 80-260 changed calculation of weekly benefit rate in Subdiv. (9); P.A. 81-12 deleted the noncharging provisions concerning an employer whose employee quit or was fired under the terms of this section and later collects benefits, as such provisions have been transferred to Sec. 31-225a by P.A. 81-12; P.A. 81-318 disqualified claimants from eligibility for unemployment compensation if they had been discharged for conduct constituting larceny in the third degree and deleted any reference in Subdiv. (9) to an offset which reduced benefits by the amount of pension, retirement pay or annuity received by the claimant, but see section 31-227(g); P.A. 82-262 specified ineligibility for benefits for participation in illegal strike; P.A. 85-26 amended Subdiv. (2) (B) to redefine larcenous conduct to be the taking of a property or service whose value exceeds fifty dollars; P.A. 85-258 amended Subpara. (A) of Subdiv. (2) to limit compensable "quits" to instances when the claimant left suitable work for sufficient work-related causes, or he left to care for a seriously ill spouse, child or parent, or he left due to the discontinuance of his only means of transportation and defined "repeated wilful misconduct" as any acts of such misconduct which occur within one year of each other; P.A. 85-500 provided that claimants may be disqualified if discharged or suspended for "just cause", and defined "just cause" to be a single act of wilful misconduct endangering life, safety or property; P.A. 86-55 added Subsec. (b), establishing limited eligibility rights for individuals who apply for unemployment compensation after having quit part-time employment, amending Subsec. (a) accordingly; P.A. 86-60 added Subdiv. (13) in Subsec. (a), disqualifying any individual who is discharged or suspended from his employment during a term of imprisonment of thirty days or more to which he has been sentenced; P.A. 88-88 substituted "any employment during his base period other than such part-time" for "such full-time" in Subdiv. (1) and provided that an individual eligible for benefits under Subdiv. (2) would receive an amount equal to the lesser of the partial unemployment benefits he would have received but for the separation from the part-time employment or "the partial unemployment benefits for which he would be eligible under Sec. 31-229 based on any subsequent part-

time employment"; P.A. 93-243 amended Subdiv. (2)(B) of Subsec. (a) to expand the disqualification for larcenous conduct, amended Subdiv. (4)(A) to disqualify a claimant from eligibility for unemployment compensation while he is receiving severance or separation payments, and amended Subdiv. (13) to define "wilful misconduct", effective June 23, 1993; P.A. 95-323 amended Subsec. (a) to substitute "good cause attributable to the employer" for "sufficient cause connected with his work", to delete reference to "repeated" wilful misconduct in the course of employment, to amend the benefit level for employees discharged or suspended under state or federal drug or alcohol testing programs, to redefine "wilful misconduct" and to add definition of "temporary help service", effective October 1, 1995, and applicable to any separation of employment occurring on or after that date; P.A. 99-123 made technical and gender neutral changes, divided Subsec. (a) into Subdivs. and amended Subdiv. (2) of Subsec. (a) to prohibit refusing benefits to an individual who leaves suitable work voluntarily to protect the individual or a child domiciled with the individual from becoming or remaining a victim of domestic violence.

"Available for work" construed with respect to waitress. 126 C. 441. Depends on whether or not there is a labor market for the work employee can do. 132 C. 651. Deliberate violation of reasonable rule in connection with work constitutes "wilful misconduct." 133 C. 308. Rule forbidding solicitation for union membership in working hours reasonable. Id., 310. Under former statute, disqualification for attending school did not apply after applicant had completed his studies. 129 C. 71. The test to determine whether a person's refusal to cross a picket line established by a union of which he is not a member rendered him a participant in the dispute is whether his refusal was voluntary or involuntary. An employee is "directly interested in a labor dispute" if his wages, hours or working conditions will be affected by the outcome of the dispute. 139 C. 20. A pension, at least to the extent to which each payment has been increased because of employer's contributions, is one "by way of compensation for loss of wages." Id., 569. Severance pay held "payment by way of compensation for loss of wages." Id., 572. Vacation pay from union welfare fund disqualifies employee from benefits as it is a payment by way of compensation for loss of wages. 142 C. 236. Facts of each case determine question of "suitable work." 148 C. 475. Vacation pay is "payment by way of compensation for loss of wages." 136 C. 482. Plaintiff not eligible for benefits while receiving allowances under Servicemen's Readjustment Act. 137 C. 240. An offer and refusal of employment is not a condition precedent to disqualification where claimant is not available for work. Id., 438. Employee is subject to disqualification prescribed if he leaves part-time work to accept better paying position. Claimant's leaving dated from time she took new job, rather than from the beginning of vacation period. Id., 693. Section does not provide unemployment compensation coverage for school vacation periods to cafeteria workers and school aides. 169 C. 592, 593. "Suitable work" depends on facts of particular case. 175 C. 562, 568. Cited. 184 C. 317, 323. Cited. 196 C. 440, 447. Cited. 209 C. 381, 383, 386, 388. Cited. 17 CA 441, 444. Cited. 25 CA 130, 134, 136. "Quit to care" provision operates as an exception to the penalty provision of this section. 34 CA 620, 625-628. Disqualifications for compensation are conditions subsequent and the burden of proof is on the commissioner. 15 CS 286. Cited. 20 CS 110. Employee entitled to unemployment compensation where employer shut down his plant for two weeks as a vacation period but employee was entitled to only one week of vacation pay. 17 CS 144. Where plaintiff's

employment was terminated early in her pregnancy because employer in good faith wished to train replacement at that time, plaintiff was correctly denied benefits. 23 CS 155. Where claimant was offered former job back during strike and he proceeded to participate in strike, he was held ineligible for benefits. His former job held not to be "new work" within meaning of statute. 23 CS 233. Employee has burden of proving nonparticipation. 24 CS 461. Claimant's former job held not to be "new work" within meaning of statute when offered during strike to one who had been laid off four weeks before strike and in a situation where collective bargaining agreement between union and employer had expired prior to layoff. 23 CS 233. Cited. 25 CS 244. Whether there was wilful misconduct depends on whether conduct of claimant could be held reasonably to amount to a deliberate violation of a reasonable rule. 22 CS 458. Employee fired for hurling rock through windshield while picketing held ineligible for benefits. Picketing itself is not act of misconduct, but hurling rocks is. 23 CS 206. "Wilful misconduct" discussed. 24 CS 177. Separation allowance computed on years of service and supplemental allowance to pensioners under labor management agreement paid on closing of plant held dismissal payments. 27 CS 169. Acceptance of separation allowance in lump sum did not change nature of payment computed on weekly basis. *Id.* Finding by commissioner that plaintiff's concern over unreliable transportation was refusal to accept employment held arbitrary and unreasonable. 31 CS 269. Cited. 39 CS 328, 333. Cited. 44 CS 285.

Subsec. (a):

Cited. 34 CA 620, 624.

Subdiv. (1):

Subdivision held not to permit establishment or application by the administrator of any arbitrary adjustment period in which to find suitable work during same hours as those of prior employment. 148 C. 475. Cited. 172 C. 492, 495.

Within meaning of statute "residence" is claimant's residence at time of rehire offer, not at time of layoff. 2 CA 1, 2.

Refusal to return to work at reduced salary disqualifies one for compensation. 11 CS 337. Suitable employment discussed. 16 CS 199; *id.*, 264; 18 CS 145. Subpara. (C): Claimant who refused referred employment solely because it required union membership not entitled to benefits. 20 CS 10. Claimant who was union member and quit nonunion job because union business agent told him he would lose union membership otherwise, held not available for work. Exception does not apply where union sets conditions contra to statutory provisions. 27 CS 446. Cited. 39 CS 520, 521.

Subdiv. (2):

Company designated shutdown period as including vacation period. Fact that union, as agent for plaintiff, gave company this right did not make plaintiff's second week of vacation, without pay, a period of voluntary and self-imposed unemployment. 138 C. 253. Subpara. (A): Where employer sets expiration date of contract conclusion that employee did not voluntarily terminate employment is not unreasonable. Discussion of possible result if union had negotiated the contract. 177 C. 132–135. Subpara (A): "For cause" construed to encompass personal as well as work-related reasons. 181 C. 1, 3, 4, 6–24. Subpara. (A) cited. 187 C. 262. Subpara. (A) cited. 196 C. 440, 442, 444, 445. Subpara. (B) (iv) cited. *Id.*, 440, 447, 448. Cited. *Id.*, 440, 450. Subpara. (B): Term "felonious conduct" as used in statute includes felonious conduct violating federal laws.

Id., 546, 548–550. Subpara. (B): A final incidence may be "repeated wilful misconduct" if conduct at issue is part of past pattern of wilful misconduct. 209 C. 381, 385, 387. Subpara. (B) cited. 1 CA 591, 593, 594. Subpara. (B) cited. 3 CA 494, 495. Subpara. (B) cited. 4 CA 617, 618, 620. Subpara. (A) cited. 4 CA 617, 619. Subpara. (B) cited. 5 CA 309, 312, 313. Subpara. (A) cited. 6 CA 588, 589. Subpara. (A): Leaving suitable work for better pay is insufficient, by itself, to establish good cause. Id., 658, 660. Subpara. (A) cited. 12 CA 207, 209. Subpara. (B)(iv) cited. 17 CA 741, 444, 446. Subpara. (A) (ii) cited. 34 CA 620, 621, 624. Subpara. (B) cited. 41 CA 751, 752.

Subpara. (A): Severing employment to report for induction into army. 11 CS 160. Cited. 12 CS 391. Lack of transportation not sufficient reason to leave work where claimant did not give employer chance to arrange for it. 15 CS 445. Leaving work on ground that services worth more than remuneration held not sufficient cause. 17 CS 415. Claimant who gave notice of resignation and later attempted to withdraw it after company had hired a replacement was declared eligible for benefits. 19 CS 363. Subpara. (B): Employee who momentarily left machine running unattended in violation of employer's rule ineligible for compensation for wilful misconduct. 11 CS 221. Harmless taking of discarded article by employee not sufficient basis for wilful misconduct. 16 CS 311. Claimant whose license to operate taxicab had been revoked for failure to make full restitution for damage done by him in accident and for failure to furnish proof of financial responsibility ineligible for unemployment compensation. 19 CS 363. No lesser degree of culpability in this state than wilful misconduct. 20 CS 399. Where claimant left job when employer told him he could retain his job as driver, if during period of license suspension, he found a substitute and paid him from his own pocket, held claimant left work without sufficient cause. 21 CS 206. Inefficiency, negligence, carelessness, improper conduct and errors in judgment alone are not construed as "wilful misconduct" disqualifying claimant from benefits under subpara. (B). 25 CS 215. Falsifying employment questionnaire held intentional act of misleading employer and constituted wilful misconduct in course of employment. 27 CS 215. Subpara. (B): Repeated absences from work without good cause, recognized as wilful misconduct. 29 CS 14, 18. Cited. 29 CS 251. Offer of same job after penalty period ineffective as to deny benefits under suitable work provision. 29 CS 486. Cited. 29 CS 492. Subpara. (A): Employee's decision not to reenlist in National Guard, a condition of employment voluntarily accepted by employee, is voluntary termination of employment without employment-connected cause. 31 CS 12. Subpara. (A) cited. 38 CS 710. Cited. 39 CS 328, 331. Subpara. (A) cited. Id., 328–330, 332. Subpara. (B) cited. Id., 328, 330. Subpara. (A): Doctrine of voluntary constructive leaving discussed. Id., 371, 373. Subpara. (B) cited. Id. Court held it reasonable for appeals referee to conclude that before plaintiff could collect unemployment benefits, plaintiff must make an effort to seek a position with the employer which would be consistent with plaintiff's beliefs rather than assume that no such position would be available. 40 CS 208, 209, 211.

Subdiv. (3):

General assembly intended same meaning for "labor dispute" here as that expressed in section 31-112(c). Each week of unemployment is severable unit. 135 C. 373. Refusal of plaintiffs to cross picket lines constituted participation in labor dispute and rendered them ineligible for compensation. Id., 695. "Lockout" defined. 137 C. 380. A "lockout" is a withholding of employment by employer in effort to obtain for himself more

advantageous terms. *Id.*, 393. Controversy which caused unemployment of plaintiffs was labor dispute within meaning of statute. 139 C. 329. Unemployment was caused by labor dispute rather than lockout. *Id.*, 515. Definition. 142 C. 497. No lockout existed where employer in labor dispute over new contract negotiations closed stores after old contract expired because not advised by employees' bargaining agent that they would continue work pending negotiation of new contract. Employees not entitled to unemployment compensation. 158 C. 556. Disqualification under this subdivision has three elements: (1) There must be unemployment, (2) there must be a labor dispute, (3) unemployment must result from existence of labor dispute. 164 C. 446, 450, 458.

Refusal to cross picket line because of fear of bodily harm does not render one ineligible. 16 CS 286. Dismissed employees entitled to compensation when dismissed as result of labor dispute. *Id.*, 491. Where shutdown due to lockout. 18 CS 94; 20 CS 211.

Subdiv. (4):

Payment of pension disqualifies plaintiff for unemployment benefits to which he would have become entitled by virtue of employment by one who is paying pension. 138 C. 630. Purpose and history. 146 C. 215. Under subpara. (C) it is immaterial whether payment represents deferred compensation or a pension. If lump sum is paid, it should be divided by weeks of life expectancy to determine weekly payments. *Id.* Holiday pay classified as earned remuneration rather than compensation for lost wages. 146 C. 264. Purpose of subdivision. *Id.*

Subpara. (A): Consideration of vacation pay. 15 CS 267; *id.*, 501; 16 CS 225; 18 CS 472; 19 CS 367.

Subdiv. (5):

Claims made after childbirth. 17 CS 316. Plaintiff entitled to benefits where previously arranged by collective bargaining that such would be allowed though claimant not member of bargaining unit. 19 CS 184. Disqualification begins on first day of unemployment due to pregnancy and continues thereafter for duration of pregnancy. 20 CS 428.

Subdiv. (8):

Severance pay and vacation pay do not qualify as wages within meaning of statute. 153 C. 692, 693.

Plaintiff, a physician, performed services for husband, also a physician, during his illness and received one hundred fifty dollars from him; held this did not constitute wages. 21 CS 144. Evidence tended to prove that claimant's brother hired him for two weeks merely to qualify claimant under this subdivision but award of compensation commissioner upheld. 21 CS 204.

Subdiv. (9):

Where employee voluntarily requested payment from union pension fund and applied for and received social security benefits, he had voluntarily retired and was ineligible for unemployment benefits. 28 CS 57. Plaintiff mason voluntarily leaving job because partner had left, as he thought union rules forbade his remaining, left suitable work voluntarily without sufficient case. 28 CS 394. Cited. 34 CS 11, 12.

Subdiv. (11):

Unemployment commissioner could reasonably conclude from his finding of facts that a school "media aide" is a "classroom aide" in meaning of this section. 31 CS 253.