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A man whose annual holiday ended on a Saturday, was instructed by his employers not to attend the factory until the following Tuesday. When he attended on Tuesday, he found that he was not required until the following week. He claimed benefit in respect of the Tuesday and the Monday preceding it, saying that he had not claimed earlier because he believed that his unemployment would only last one day

*Held* that claimant was disqualified for benefit in respect of the Monday. His deliberate election not to claim did not constitute cause for delay in claiming.

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1. My decision is that the claimant is disqualified for receiving unemployment benefit in respect of the 27th August, 1951.

2. The claimant, who is a felt hat finisher, had had an annual holiday which ended on Saturday the 25th August, 1951. He was instructed by his employers not to attend the factory until Tuesday the 28th August, 1951. When he did so attend he found that his services were not required until the following Monday. Upon that information, he made a claim for unemployment benefit on the 28th August, 1951, in respect of that day. He also applied to be treated as though he had made a claim for unemployment benefit on Monday the 27th August, 1951.

3. The local Insurance Officer disallowed the claim in so far as the 27th August, 1951, was concerned and disqualified the claimant for benefit in respect of that day, on the ground that the claimant had not made his claim within the prescribed time and had not shown good cause for his delay.

4. The claimant appealed to the Local Tribunal, on the ground that he "thought it would be no use making a claim for benefit for what I then believed to be just for one day".

5. The Local Tribunal allowed the claimant's appeal on the submission that if he had been able to start work on Tuesday the 28th August, 1951, as anticipated, there would have been no claim.

6. The Insurance Officer now appeals to the Commissioner and submits that the claimant's deliberate election not to claim because he did not expect benefit to become payable in respect of that day cannot be held to constitute good cause for not claiming within the time prescribed.

7. I agree with the submission of the Insurance Officer.

8. A claimant fails to show good cause for delay in making his claim in the prescribed manner when he deliberately refrains from the discharge of his statutory duty, because he does not expect that he will derive any immediate or future advantage from so doing.

9. That which I have stated accords with the principles enunciated in *Umpire's Decision 788/31*, which is a decision given under the Unemployment Insurance Acts now repealed, but which applies equally to this case.

10. I allow the appeal of the Insurance Officer.

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