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NO. 90544-4

SUPREME COURT
OF THE STATE OF WASHINGTON

LINDA DARKENWALD,

_____ Petitioner,

and

STATE OF WASHINGTON,
EMPLOYMENT SECURITY DEPARTMENT,

Respondent.

PETITIONER'S BRIEF IN RESPONSE TO BRIEF OF AMICUS
CURIAE NORTHWEST JUSTICE PROJECT AND LEGAL VOICE

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1. Mrs. Darkenwald should not be disqualified from benefits because she did not voluntarily quit her job.

The brief of amicus curiae Northwest Justice Project and Legal Voice (Brief) argues that Mrs. Darkenwald's separation from her employment was not a voluntary quit without good cause within the meaning of RCW 50.20.050(2). (Brief p.4.) Petitioner agrees. The dentist's insistence that he needed her to work more than the part-time hours that had been her schedule for at least four years left her no option but to refuse. It was not her choice to lose her employment, only not to lose her part-time status because of her health issues. She chose not to work more hours, not to quit her job.

As the brief of amicus points out, there are a significant number of workers in the part-time worker category for a number of compelling reasons, e.g. child care, poor health, etc. (Brief p. 15-16) It is often not a choice or an easy choice for such a worker to increase their part-time hours of work. When they lose their employment because their employer insists they work more hours, they have truly become unemployed through no fault of their own and deserve the protection of unemployment compensation *insurance* for the same reason as an employee who loses their job for other no-fault reasons. *Safeco Ins. Co. v Meyering, Safeco Ins. Co. v Meyering*, 102 Wn.2d 358, 392, 687 P.2d 195 (1984), citing RCW 50.01.010.

2. Mrs. Darkenwald is entitled to benefits because the increased hours her employer insisted she work were not “suitable work.”

Mrs. Darkenwald also agrees, as amicus argues, that her refusal to accept more hours should not disqualify her from benefits because such additional work was not “suitable.” (Brief p.14)

RCW 50.20.080 disqualifies an individual for benefits if the individual refuses “suitable work.” The dentist’s insistence that Mrs. Darkenwald work an additional day a week was not “suitable work” both because it would extinguish her legal status as a “part-time worker,” as defined in RCW 50.20.119, and it would have caused her pain and discomfort and could have endangered her health.

3. Mrs. Darkenwald joins in the arguments in the Brief of Amicus Northwest Justice Project and Legal Voice.

Mrs. Darkenwald joins in the arguments made in the brief filed by amicus curiae Northwest Justice Project and Legal Voice.

RESPECTFULLY SUBMITTED this 15 day of January, 2015.

YOUNGLOVE & COKER, P.L.L.C.



Edward Earl Younglove III, WSBA #5873
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CERTIFICATE OF SERVICE

I reside in the State of Washington, am over the age of the eighteen, and not a party to this action. I certify under penalty of perjury under the laws of the State of Washington that I caused a true and correct copy of Petitioner's Brief in Response to Brief of Amicus Curiae Northwest Justice Project and Legal Voice to be served on all parties by the US Postal Service and as follows on the date below to:

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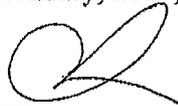
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DATED this 15th day of January, 2015, at Olympia, Washington.



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