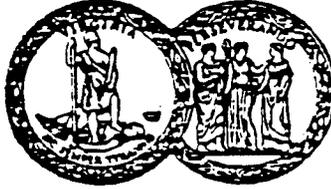


COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION

Misconduct: 140.25  
Dishonesty - Falsification of  
record.



DECISION OF COMMISSION

In the Matter of

Denise Powell, Claimant  
[REDACTED]

Sims Wholesale Company  
Lynchburg, VA 24501

Date of Appeal

To Commission: January 29, 1980

Date of Hearing: June 9, 1980

Decision No.: 13448-C

Date of Decision: June 10, 1980

Place: Richmond, Virginia

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This matter comes before the Commission on appeal by the employer from the decision of the Appeals Examiner (UI-79-8895), dated January 15, 1980.

ISSUE

Was the claimant discharged for misconduct in connection with her work as provided in Section 60.1-58 (b) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT

Sims Wholesale Company of Lynchburg, Virginia was the claimant's last employer where she had worked from July 16, 1979 through September 25, 1979.

The claimant was hired to do bookkeeping and some typing. She stated on her written application for employment that she operated a typewriter, calculator, and NCR computer. She indicated that she typed 45 to 50 words per minute. The claimant also stated on her employment application that she had been a bookkeeper and had typed contracts for her previous employer from October, 1978 through July of 1979.

The claimant was discharged when the employer discovered that she was unable to type more than 10 to 12 word per minute and did not know the difference between a debit and a credit. The company

attempted to work with her for her ninety day probation period but the claimant demonstrated that she lacked the qualifications which she stated she possessed on her application for employment.

The claimant maintained that she had always done the work to the best of her ability and that she had told the employer the accuracy of her typing was very poor.

OPINION

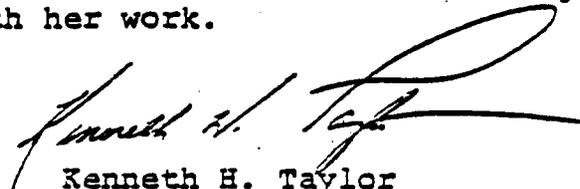
Section 60.1-58 (b) of the Code of Virginia provides a disqualification if it is found that an individual was discharged for misconduct in connection with her work.

The Appeals Examiner correctly stated that mere inefficiency and unsatisfactory performance due to inability or isolated instances of ordinary negligence do not constitute misconduct in connection with one's work. The Commission has also previously held, however, that when an individual makes false statements on her application for employment in order to obtain work, such an act is tantamount to misconduct in and of itself. (underscoring supplied)

In the case presently under consideration the claimant readily concedes that she was able to type only 10 to 12 words per minute, yet she had stated on her employment application that she could type 45 to 50 words per minute; similarly, the claimant was incapable of performing simple bookkeeping functions even though she had indicated prior experience as a bookkeeper. After reviewing the evidence in the record of this case, it is the opinion of the Commission that the claimant's statements on her application for employment were misleading and did amount to misconduct in connection with her work as that term is used in the Act.

DECISION

The decision of the Appeals Examiner is hereby reversed. It is held that the claimant is disqualified for benefits effective September 23, 1979 for any week benefits are claimed until she has performed services for an employer during thirty days whether or not such days are consecutive because she was discharged for misconduct in connection with her work.

  
Kenneth H. Taylor  
Special Examiner