



VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

Misconduct: 140.2
Dishonesty - Falsehood

In the matter of:

Claimant

Mr. Larry Madison
26 Cambridge Street
Portsmouth, VA 23707

Employer

Newport News Shipbuilding &
Dry Dock Company
4101 Washington Avenue
Newport News, VA 23607

Appellant:	<input type="checkbox"/> Employer	<input checked="" type="checkbox"/> Claimant
Claimant's S.S. No.:	[REDACTED]	
Decision No.:	UI-78-7966	
Date Deputy's Determination:	November 15, 1978	
Date Referred or Appealed:	November 27, 1978	
Date of Hearing:	December 21, 1978	
Place of Hearing:	Portsmouth, Virginia	
Date of Decision:	December 21, 1978	
Date of Mailing:	December 26, 1978	

APPEARANCES: Claimant; Attorney for the Claimant; Two Employer Representatives

STATUTORY PROVISION(S) & POINT(S) AT ISSUE: Code of Virginia, Section 60.1-58(b) - Was the claimant discharged for misconduct in connection with his work?

FINDINGS OF FACT: The claimant appealed a determination of the Deputy which disqualified him for benefits effective October 29, 1978, for having been discharged due to misconduct connected with his work.

Newport News Shipbuilding & Dry Dock Company of Newport News, Virginia was the claimant's last employer for whom he worked as an electrician in the X-18 Welder Department from October 4, 1971, through October 26, 1978. At the time of the claimant's separation, he was earning \$5.87 per hour.

The claimant was terminated from his employment for falsification of company records which he admitted to. The claimant was absent from work on October 23, 1978. He brought in a receipt from a physician which was a receipt for money received; the date instrument had been altered to reflect October 23, 1978. The day of the week had also been altered on this document. The claimant submitted this information to the employer because he was attempting to preserve his job. He indicated that he had not been to the doctor on October 23, 1978, and that he had in fact altered the statement presented to his employer to reflect that he was at the doctor on October 23, 1978. The Yard Regulation No. 10 specifies that an employee will be discharged for falsification of company records. Each employee is given a copy of the yard regulation when they are employed, and these regulations are posted in numerous places throughout the employer's place of business.

OPINION: Section 60.1-58(b) of the Virginia Unemployment Compensation Act provides a disqualification if it is found that the claimant was discharged for misconduct in connection with work.

Misconduct in connection with work is a wilful or wanton disregard of the employer's interest, a deliberate violation of the employer's rules and regulations, as well as the standards of behavior which the employer has the right to expect of his employees.

In this instance, the claimant has admitted that he altered a statement to reflect that he had been attended to by a physician on October 23, 1978, when he was absent from work. He further admitted that he had not been to the doctor that day and his absence was not due to sickness. Certainly, the claimant knew, or should have known, that the altering of the doctor's statement could possibly lead to his termination. Also, his altering of the document to reflect incorrect information is clearly a wilful disregard of the employer's interest, as well as a violation of the yard regulation. (underscoring supplied)

In view of the above, the Examiner must conclude that the claimant was discharged for reasons which constitute misconduct in connection with his work, within the meaning of that term as used in the Act.

DECISION: The determination of the Deputy disqualifying the claimant for benefits effective October 29, 1978, for having been discharged for misconduct in connection with his work is hereby affirmed and remains in effect for any week benefits are claimed until he has performed services for an employer during thirty days, whether or not such days are consecutive.

H. G. Birchett
Appeals Examiner

Affirmed by Commission Decision 12128-C dated May 24, 1979
and by the Circuit Court of The City of Newport News on
June 9, 1980.