


VIRGINIA EMPLOYMENT COMMISSION

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Decision of Commission

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In the Matter of	§	Appeal from Examiner
	§	
Elsie B. Guynn, Claimant	§	Date of Appeal: September 19, 1963
Claim #27	§	
	§	Date of Hearing: October 8, 1963
	§	
Kahn & Feldman, Incorporated	§	Decision No.: 4105-C
Jefferson Mills Division	§	
Pulaski, Virginia	§	Date of Decision: October 25, 1963
	§	
Employer	§	Place: Richmond, Virginia

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. S-14754-14434) dated September 12, 1963.

ISSUES

1. Did the claimant voluntarily quit her last employment without good cause?
2. Was the claimant discharged for misconduct in connection with her work?

FINDINGS OF FACT

The claimant was last employed by Kahn & Feldman, Inc., Pulaski, Virginia. The record reflects that on the morning of the day she was separated from her employment, the claimant was directed by her supervisor to operate a machine different from the one she customarily operated. The claimant complained bitterly about the move; however, she began operating the machine. From time to time during the course of the morning, claimant's supervisor detected she was away from her assigned machine. Later he determined that she stayed on her lunch period longer than the time permitted by company rules. Shortly thereafter, the claimant's supervisor told her that he wanted her to accompany him to the first-aid room "to discuss her duties as an operator." Such a request was customary and in accordance with established company policies and procedures. The claimant refused to do so. Whereupon, the supervisor advised the claimant that he had no choice other than to discharge her. While the supervisor was in another part of the plant securing a termination slip, the claimant left the premises.

This matter is before the Commission as an appeal by the claimant from

a decision of the Appeals Examiner disqualifying the claimant from the receipt of benefits for having voluntarily left work without good cause.

OPINION AND DECISION

The Commission is of the opinion the claimant in this matter was discharged from her employment. We do not agree with the Examiner's conclusion that she voluntarily left her employment. It is further the Commission's opinion that the claimant's discharge was the result of misconduct connected with her work. Insubordination, since it breeds discontent among employees and jeopardizes the harmony of labor-management relationship there- by impeding industrial progress, has been held to constitute misconduct. It has long and universally been held to be misconduct by this Commission as well as by administrative and judicial decisions of other jurisdictions. The action of the claimant in refusing to accompany her supervisor to the room designated for the purpose of discussing her work habits clearly constituted insubordination. It displayed a deliberate disregard for employer authority and interest. (Underscoring supplied)

All of the disqualifying provisions of the Virginia Unemployment Compensation Act are designed to preclude from the receipt of benefits those persons who seek benefits for a period of unemployment which would not exist if the person had not by his own improper or negligent act contributed to the cause of his unemployment. Clearly, in this case, the claimant's own conduct was the cause of her separation.

Accordingly, the decision of the Appeals Examiner is affirmed insofar as it imposes a disqualification from the receipt of benefits. The Commission feels, however, the disqualification is more properly imposed under § 60-47 (b) than under § 60-47 (a) of the Code.



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B. Redwood Council  
Assistant Commissioner

Note: §60-47(b) and §60-47(a) of the Code of Virginia are currently cited as §60.1-58(b) and §60.1-58(a), respectively.