

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

DECISION OF COMMISSION

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Decision No: 3423-C

MISCONDUCT - 385

Relation of offense to discharge

Date: October 9, 1959

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This is a matter before the Commission on appeal by the claimant from the decision of the Examiner (No. S+8199-8136) dated September 14, 1959.

ISSUES

- (1) Was the claimant discharged for misconduct in connection with her work?
- (2) Has the claimant been available for work during the week or weeks for which she claims benefits?

FINDINGS OF FACT

This case is before the Commission on an appeal filed by the claimant to the decision of the Appeals Examiner, dated September 14, 1959, in which the claimant was disqualified from the receipt of benefits for having been discharged for misconduct in connection with her work.

The record discloses that the claimant was last employed by Sam P. Warren as resident manager of the Warren Apartments, Arlington, Virginia. The claimant, in an effort to satisfy the tenants, undertook a number of projects without direction or authorization from her employer, the landlord. For this additional work she felt that she was entitled to additional compensation. The evidence further reveals that the claimant failed to follow instructions and the language she used toward her employer was both abusive and disrespectful.

Approximately a week before her final separation the claimant quit her employment. About four days later, at the insistence of her employer, she returned to work. Two days after returning to work she was discharged. The record reveals that during this latter period the claimant had personal contact with the employer on only one occasion. At that meeting the claimant was given a check for services rendered. Nothing else occurred. Upon the return of the check to the employer with a demand for additional compensation, the claimant was discharged.

OPINION AND DECISION

It is clear from the evidence that through a desire to do a good job the claimant undertook many activities which were not authorized by her employer. While her desire to satisfy the tenants of the apartment house is commendable, the responsibility for making decisions rested with the employer-landlord and the claimant should have been guided by such decisions. An employee is under a duty to follow reasonable instructions to her employer.

It is also apparent from the record that the claimant abused her employer. This Commission feels compelled to express its abhorrence at conduct of such a nature.

Conduct of the type above described could conceivably constitute misconduct which would justify a discharge. That the discharge must be the result of the alleged misconduct is, of course, self-evident. If the discharge from work is actually the result of some other cause the employee should not suffer the disqualification imposed by the law. It is clearly disclosed by the record that between the time the claimant was rehired and the time of her final discharge nothing occurred other than the claimant's refusal of her salary check and her demand for additional money to which she felt entitled. Her request for additional compensation did not ipso facto constitute misconduct. This Commission, therefore, is unable to find the necessary causal connection between the previous acts complained of by the employer and the claimant's discharge. (Underscoring supplied)

For the reasons stated above the disqualification imposed by the Examiner's decision is hereby removed. The claimant is held to be eligible for benefits from May 27, 1959, through June 23, 1959, at which time her benefits would be exhausted.