

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

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Decision No.: UI-73-3108

Date: December 7, 1973

MISCONDUCT: 390.4  
Relations with fellow  
employees - uncooperative  
attitude

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ISSUE

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

FINDINGS OF FACT

The claimant appealed from a determination of the Deputy which disqualified her for benefits effective September 30, 1973, for having been discharged for misconduct in connection with work.

Coronet Casuals, Portsmouth, Virginia, was the claimant's last employer, for whom she worked as a supervisor from April 15, 1956, through September 20, 1973.

According to the employer, in March, 1972, the claimant had been promoted to the job of presser supervisor. In the normal process, it was necessary for other supervisors to go to the claimant about production problems. On many occasions, the claimant would speak rashly to the other supervisors and would often get into heated arguments. When this happened, it was necessary for the plant manager to step in and settle the argument. In February, 1973, and in June, 1973, the plant manager had talked with the claimant about her actions, pointing out that she was causing friction and discontent among the employees. She was warned that the situation must get better. After these warnings, the situation did improve for a short time; however, it was necessary for the plant manager to spend a considerable part of his time settling arguments between the claimant and other supervisors.

On September 20, 1973, the claimant had been overheard making derogatory remarks about the general manager and his religion. When confronted with this, the claimant became angry and entered into a heated argument with the general manager. The claimant was told to report to the office on Saturday, September 22, for a conference with the general manager and the plant manager. It was decided that the claimant's behavior obviously was not improving, therefore, she was terminated.

The claimant indicated that she had never had any arguments with any supervisors in the plant, but that other employees were bothering her. It was necessary for her to complain to the plant manager about this, and on one occasion, the plant manager had directed an employee to apologize to her. She had had some disagreements with other supervisors over certain production procedures but there were no serious arguments. The claimant further stated that she had never had an argument with the general manager and was not told why she was being terminated.

### OPINION

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

The Commission in Decision No. 577-C had this to say:

In 48 American Jurisprudence, page 541, we find the following:

"Misconduct within the meaning of an unemployment compensation act excluding from its benefits an employee discharged for misconduct must be an act of wanton or wilful disregard of the employer's interest, a deliberate violation of the employer's rules, a disregard of standards of behavior which the employer has the right to expect of his employees, or negligence in such a degree or re-currence as to manifest culpability, wrongful intent, or evil design, or show an intentional, substantial disregard of the employer's interest or of the employee's duties and obligations to the employer."

Although the claimant, in this case has denied all allegations of the employer, it is the opinion of the Appeals Examiner that the employer has made a showing that the claimant's conduct in connection with her fellow workers could not be condoned by the company. There is no question that the claimant's persistence in her attitude and conduct towards her fellow employees amounted to a willful and deliberate disregard of standards of

behavior which the employer has the right to expect of an employee.  
It is concluded, therefore, that the claimant was terminated for reasons which would constitute misconduct in connection with work within the meaning of that term as used in the Virginia Act. (Underscoring supplied)

DECISION

The determination of the Deputy disqualifying the claimant effective September 30, 1973, for having been discharged for misconduct in connection with 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.

NOTE: This decision was affirmed by the Commission in Decision No. 6161-C dated January 9, 1974.