

VOLUNTARY LEAVING: 135.2
DISCHARGE OR LEAVING -
INTERPRETATION OF REMARK OR ACTION
OF EMPLOYER OR
EMPLOYEE

VIRGINIA:

IN THE CIRCUIT COURT OF WISE COUNTY

BARRY R. HURD,

Petitioner,

vs.

3M INC. d/b/a BURGER KING OF
NORTON, VIRGINIA

and

VIRGINIA EMPLOYMENT COMMISSION,

Respondents.

IN CHANCERY

C91-244

FINAL ORDER

This cause came on upon the Petition for Judicial Review, the Answer of Respondent, Virginia Employment Commission, "Commission", the Notice of Hearing, Petitioner's Memorandum, Petitioner's Supplemental Memorandum, the appearance of Petitioner and the Commission, by counsel, and arguments of counsel heard orally by the Court July 16, 1991 and again August 13, 1991;

Whereupon, and having maturely considered the record of the proceedings and arguments of counsel, including the authorities advanced in support of and in opposition to the Petition, the Court is of the opinion that the record provides ample evidence to support the Commission's findings that the Claimant left work voluntarily without good cause; there was no evidence of fraud. Based on the record, the Court finds as a matter of fact and as a matter of law that the Claimant left work voluntarily without good cause as also found by the Commission in its decision. Accordingly, it is,

ADJUDGED, ORDERED AND DECREED

that the decision of the Commission is AFFIRMED and the Petition for Judicial

Review be and is hereby DISMISSED. This Court's letter/opinion of February 18, 1992 is incorporated herein as if set forth verbatim;

There being nothing further to be done the Clerk is directed to place this among the ended causes, strike it from the docket and transmit a true copy of this Order to Counsel for all parties.

ENTER THIS 3 DAY OF March, 1992.


JAMES C. ROBERSON, JUDGE

SEEN AND REQUESTED:



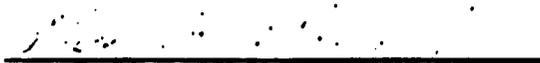
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A COPY TESTED
C. Gary Baker, Clerk
By W. Guy Adams
Clerk

SEEN AND OBJECTED TO AS NOTED IN THE RECORD:


Hugh F. O'Donnell
CLIENT CENTERED LEGAL SERVICES
OF SOUTHWEST VIRGINIA, INC.
P. O. Box 147
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