

COMMONWEALTH OF VIRGINIA  
VIRGINIA EMPLOYMENT COMMISSION

VOLUNTARY LEAVING: 515.8  
Working Conditions —  
Supervisor.



DECISION OF COMMISSION

In the Matter of

Elly M. Meadows, Claimant  
[REDACTED]

EGA, Inc.  
Ashland, Virginia

Employer

Date of Appeal

To Commission: May 24, 1976

Date of Hearing: July 13, 1976

Decision No.: 8091-C

Date of Decision: July 19, 1976

Place: Richmond, Virginia

---o0o---

This is a matter before the Commission on appeal by the claimant from the decision of the Appeals Examiner (No. UI-76-2921), dated May 13, 1976.

ISSUE

Did the claimant voluntarily leave her last employment without good cause within the meaning of §60.1-58 (a) of the Code of Virginia (1950), as amended?

FINDINGS OF FACT AND OPINION

The claimant appealed from a decision of the Appeals Examiner which disqualified her for benefits, effective March 14, 1976, for having left work voluntarily without good cause.

EGA, Inc. was the claimant's last employer, for whom she had worked as a clerk and office manager through March 3, 1976. The claimant voluntarily resigned from her job. She has presented testimony and evidence showing that she was subjected to harassment and verbal abuse by her employer on several occasions. The claimant had attempted to satisfy her employer and had performed her work to the best of her ability.

On Wednesday, March 3, 1976, during the afternoon, a period when the claimant was at home and not scheduled to work, the employer had called her by telephone complaining about the claimant's pay-check which she had prepared. The employer felt that it was incorrect, but the claimant believed otherwise. The employer's conversation was so abusive to the claimant that she commenced crying. When her husband observed this, he picked up a telephone extension and listened to the employer's conversation. The employer's remarks were so profane and abusive that the claimant's husband directed that she not return to her employment.

The employer was duly notified of the hearing to be held before the Appeals Examiner on May 13, 1976, and also of the Commission hearing but failed to appear or respond to either notice.

§60.1-58 (a) of the Virginia Unemployment Compensation Act provides a disqualification if it is found a claimant left work voluntarily without good cause.

Conditions of work are seldom ideal in every respect. A worker should accept the manner in which instructions from her supervisor and other contacts with him are handled provided the supervisor's conduct has not reached such a degree of abusiveness that it would impel an ordinarily prudent person to leave her employment. On the other hand, it has been held that undue harassment or abusiveness by a supervisor which the claimant cannot by reasonable efforts resolve would constitute good cause for leaving otherwise suitable work.

Based upon this claimant's sworn testimony, she was unduly harassed by the individual to whom she looked for guidance and supervision and she made reasonable efforts to resolve the situation without success. In view of this and since the claimant's employer has furnished no testimony or evidence in rebuttal to the claimant's contentions, it must be concluded that the voluntary leaving of her last employment was with good cause as that term is used in the Act.

DECISION

The decision of the Appeals Examiner disqualifying the claimant for benefits for having left work voluntarily without good cause is hereby reversed.

The Deputy is instructed to determine whether or not the claimant was meeting the eligibility requirements of the Act during any weeks for which benefits have been claimed.

  
Gene Pitts  
Special Examiner