

VIRGINIA EMPLOYMENT COMMISSION

DECISION OF APPEALS EXAMINER

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Decision No. : UI-74-603

MISCONDUCT: 45.15

Date: April 1, 1974

Competing with employer
or aiding competitor

ISSUE

Was the claimant discharged for misconduct in connection with work?

FINDINGS OF FACT

The claimant appealed from a determination of the Depty, disqualifying him for benefits effective January 6, 1974, for having been discharged for misconduct in connection with work.

Greyhound Airport Service, Washington, D. C., was the claimant's last employer for whom he worked from June 1, 1959, through January 1, 1974.

Greyhound Airport Service's contract would expire December 31, 1973. The company was negotiating for renewal of the contract until the last day of December, 1973. The employees had been advised to file applications for work with the other company negotiating for the contract. The claimant had in his possession official company records and was attempting to take them to the competitor. He had not requested or been given permission to do this. He was discharged for attempting to take company records to the other company negotiating for the contract. The claimant stated he believed that the competitor negotiating for the contract would be awarded the contract and he was attempting to help the other company set up plans for all employees to continue on their jobs.

OPINION

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

Even though the claimant may have believed that another company would get the contract, he knew or should have known that company records should not be revealed to another company. Certainly his attempting to take official company records from his employer and show them to another company without permission to do so was a wilful disregard of his employer's interests as well as not the standards of behavior an employer has the right to expect of his employees. It is concluded, therefore, that the claimant was discharged for reasons which constitute misconduct in connection with work within the meaning of that term as used in the Act. (Underscoring supplied)

DECISION

The determination of the Deputy disqualifying the claimant effective January 6, 1974, 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. 6282-C dated May 14, 1974