

## COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Alston and Senior Judge Coleman

VIRGINIA EMPLOYMENT COMMISSION

v. Record No. 2337-12-1

GAIL CARROLL

MEMORANDUM OPINION\*  
PER CURIAM  
JULY 16, 2013

FROM THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH  
Johnny E. Morrison, Judge

(Kenneth T. Cuccinelli, II, Attorney General; Joshua E. Laws,  
Assistant Attorney General, on brief), for appellant.

No brief for appellee.

The Virginia Employment Commission (the VEC) appeals a decision of the circuit court reversing a decision of the VEC. The VEC found that Gail Carroll was disqualified for benefits because she was discharged for misconduct connected with work. On appeal, the VEC argues the circuit court erred in finding Carroll mitigated her misconduct. The VEC also contends the circuit court erroneously applied the holding in Robinson v. Hurst Harvey Oil, Inc., 12 Va. App. 936, 407 S.E.2d 352 (1991). We have reviewed the record and the circuit court's September 7, 2012 opinion letter, and find that this appeal is without merit. Accordingly, we affirm for the reasons stated by the circuit court in its September 7, 2012 opinion letter and its December 6, 2012 final order. See Carroll v. Virginia Emp't Comm'n, Case No. CL11001632-00. We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented in the

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\* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

materials before the Court and argument would not aid the decisional process. See Code  
§ 17.1-403; Rule 5A:27.

Affirmed.