

**WEST VIRGINIA PUBLIC EMPLOYEES  
GRIEVANCE BOARD**

**SYNOPSIS REPORT**

**Decisions Issued in November 2021**

The Board's monthly reports are intended to assist public employers covered by a grievance procedure to monitor significant personnel-related matters which came before the Grievance Board, and to ascertain whether any personnel policies need to be reviewed, revised or enforced. W. Va. Code §18-29-11(1992). Each report contains summaries of all decisions issued during the immediately preceding month.

If you have any comments or suggestions about the monthly report, please send an e-mail to [wvgb@wv.gov](mailto:wvgb@wv.gov).

**NOTICE:** These synopses in no way constitute an official opinion or comment by the Grievance Board or its administrative law judges on the holdings in the cases. They are intended to serve as an information and research tool only.

**TOPICAL INDEX**  
**STATE EMPLOYEES**

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**KEYWORDS:** Termination; Falsifying Information; Application; Standards of Work Performance and Conduct; Mitigation; Arbitrary and Capricious

**CASE STYLE:** Stollings v. Division of Highways  
DOCKET NO. 2021-1076-DOT (11/30/2021)

**PRIMARY ISSUES:** Whether Respondent had good cause to terminate Grievant's employment.

**SUMMARY:** Grievant was employed as a Highway Systems Analyst Senior with the West Virginia Division of Highways, Respondent, at the time of his termination. Grievant was terminated on or about October 26, 2020, for falsifying information on his application for employment, and alleged failure to meet DOH's standards of workplace conduct. Not all of Respondent's conclusions regarding Grievant's actions are found to be feasible, however Respondent has established by a preponderance of the evidence sufficient credible facts to demonstrate Grievant was aware of his representations, statements, and intended to mislead a prospective employer. Respondent met its burden of proof justifying disciplinary action. Sufficient mitigating factors are not found present in the instant matter to mandate overriding the disciplinary actions of Respondent. Accordingly, this Grievance is denied.