

ALL CAPS EMAIL? That's no credible threat

How belligerent does an email have to be to warrant firing the sender for willful misconduct and threatening a co-worker? A court has concluded that typing in all capital letters doesn't necessarily convert a nasty but neutral phrase into a threat.

Recent case: Joe sent an email to a co-worker he believed had wronged him. It read, "Hey Jim, you set me up pretty good....I WON'T FORGET IT."

Joe was fired for violating a rule that prohibited threats of violence.

Joe was denied unemployment benefits because his behavior amounted to willful misconduct, since his email violated the no-threats policy. He appealed and the decision was overturned. The court said using all caps doesn't convert a statement to a threat. (*Aversa v. Unemployment Compensation Board of Review*, No. 1744 CD 2011, Commonwealth Court of PA, 2012)