

Maryland

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT

1100 North Eutaw Street
Baltimore, Maryland 21201
(301) 333-5033



William Donald Schaefer, Governor
J. Randall Evans, Secretary

BOARD OF APPEALS
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

	Decision No.:	1165-BR-88
	Date:	Dec. 16 , 1988
Claimant: Theodore Beckmann	Appeal No.:	8807139
	S. S. No.:	----
Employer: Peninsula General Hospital ATTN: Susan Potts Dir. of Personnel S. Division & Locust Streets Salisbury, MD 21801	L. O. No.:	50
	Appellant:	CLAIMANT
Issue:	Whether the claimant left work voluntarily, without good cause, within the meaning of Section 6(a) of the law.	

— NOTICE OF RIGHT OF COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

January 15 , 1989

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner.

The claimant was employed from September 17, 1986 through April 18, 1988 as a pre-admitting coordinator, earning \$8.02 an hour. He resigned his employment.

The claimant resigned for a number of reasons. The Board agrees with the Hearing Examiner that some of the reasons, including the delay in his performance evaluation and the problem he was having with his subordinates, were not significant enough to constitute either good cause or valid circumstances. With respect to the overtime required, however, the Board concludes differently.

The claimant was supposed to work a 37.5 hour work week, Monday through Friday. Because of a computer conversion undertaken by the employer, the claimant was required to work 800 hours of overtime during the last year of his employment. The claimant was paid time and a half for the overtime hours. Many of these hours were on weekends. The claimant complained often to the employer about the overtime and other aspects of the employment. The claimant found it difficult to look for other employment because of the overtime and weekend hours and because he could not get approval for the use of sufficient vacation time to look for other work. The claimant, as well as the other supervisors, were required to bear the burden of this overtime, which was far in excess of that contemplated at the time of hiring.

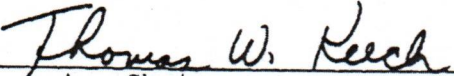
The Board concludes that, in this situation, the excessive overtime required of this claimant amounts to a substantial cause, connected with the conditions of employment, for leaving this job. This reason thus amounts to a "valid circumstance," as that term is used in Section 6(a) of the law. It is not sufficiently serious, however, to amount to "good cause."

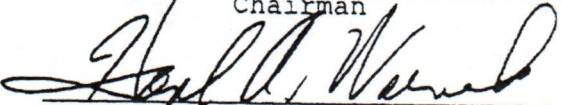
DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from the receipt of benefits for the week beginning April 17, 1988 and the nine weeks immediately following.

¹The employer presented some evidence that the excessive amount of overtime was in some way due to the fault of the claimant. This evidence, however, was unclear and extremely vague, and no finding of fact can be made that the overtime was the fault of the claimant.

The decision of the Hearing Examiner is modified.


Chairman


Associate Member

K:HW

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

OUT-OF-STATE CLAIMS

STATE OF MARYLAND
APPEALS DIVISION
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201
(301) 383-5040

STATE OF MARYLAND
William Donald Schafer
Governor

— DECISION —

Date Mailed: August 24, 1988

Claimant: Theodore Beckman^h

Appeal No.: 8807139

S.S. No.: -

Employer: Peninsula General Hospital

L.O. No.: 50

Appellant: Claimant

Issue: Whether the unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Law.

— NOTICE OF RIGHT TO PETITION FOR REVIEW —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE MARYLAND 21201. EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON

September 8, 1988

NOTICE: APPEALS FILED BY MAIL INCLUDING SELF-METERED MAIL ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK.

— APPEARANCES —

FOR THE CLAIMANT:

Theodore Beckmann - Claimant

FOR THE EMPLOYER:

Susan Potts,
Director of
Personnel;
Betty Bridell,
Manager-
Registration;
Mark Coon,
Financial
Department
Manager

FINDINGS OF FACT

The claimant began working for the employer, the operator of a General Hospital in Salisbury, Maryland, as a Pre-Admitting Coordinator, September 17, 1986. His last day of work was April 18, 1988, when he quit the employment because he was dissatisfied with working conditions. The claimant attributes his decision to quit for several reasons. Among the reasons were constant overtime, not being kept aware of what was going on in his department, evaluations being made late and not being granted vacation to look for other employment.

The Director of Personnel had received no complaints from the claimant while he was in the employer's employ.

There was continuous work available for the claimant if he had chosen to work at the employment.

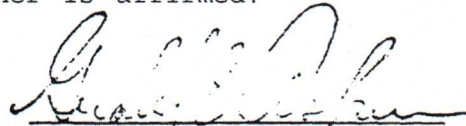
CONCLUSIONS OF LAW

The non-monetary determination of the Claims Examiner that the unemployment of the claimant was due to his having left work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law, is supported by the testimony of the claimant and the employer. The claimant separated himself from the employment on his own initiative, when there was continuous work available for him and for reasons attributable to the employment, but for reasons that do not constitute substantial good cause, nor a valid circumstance. It is for this reason that the determination of the Claims Examiner shall be affirmed, and the disqualification imposed remain in effect.

DECISION

The unemployment of the claimant was due to his having left work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. Benefits are denied for the week beginning April 17, 1988 and until the claimant becomes re-employed and earns at least ten times his weekly benefit amount (\$1,950.00) at new employment, and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.


Gerald E. Askin
Hearing Examiner

Date of hearing: July 19, 1988
sk/Specialist ID 50503/2599,2600
Copies mailed on August 24, 1988 to:

Claimant
Employer
Out-of-State Claims - MABS