

 **Maryland**
Department of Economic &
Employment Development

William Donald Schaefer
Governor
Mark L. Wasserman
Secretary

Board of Appeals
1100 North Eutaw Street
Baltimore, Maryland 21201

Telephone: (410) 333-5032

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

- DECISION -

Decision No.:	1397-BR-93
Date:	August 13, 1993
Claimant: Elsie Wilson	Appeal No.: 9307980
	S.S. No.:
Employer: Citicorp Financial, Inc. ATTN: Employee Services	L. O. No.: 45
	Appellant: CLAIMANT
Issue:	Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §8-1001 of the Labor and Employment Article.

- NOTICE OF RIGHT OF APPEAL TO COURT -

You may file an appeal from this decision in the Circuit Court for Baltimore City or one of the Circuit Courts in a county in Maryland. The court rules about how to appeal can be found in many public libraries, in the *Annotated Code of Maryland, Maryland Rules*, Volume 2, B rules.

The period for filing an appeal expires September 12, 1993

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals adopts the findings of fact of the Hearing Examiner. Based on those facts, however, the Board concludes that the claimant's

reason for quitting, while not good cause, does amount to a valid circumstance, warranting only a weekly penalty.

The claimant worked only part time for Citicorp for approximately five months. Her regular, full time employment of 21 years with another employer was coming to an end, through no fault of the claimants. That employer offered the claimant free continuing education classes so that she could renew her insurance license; this was done in order to help the claimant obtain a new full time job in her regular line of work.

Those classes, however, were offered at the same time as her hours of employment in her part time job. If the claimant did not take those classes at that time, she would have had to pay for them herself, at a cost of several hundred dollars. The claimant reasonably believed that a leave of absence would not be available from Citicorp, due to the workload there. There was no evidence from the employer to dispute this.

Leaving a part time job because it interferes with one's full time job is generally held to be good cause for quitting, see, e.g., Pangborn v. Hannah's, 473-BR-82.

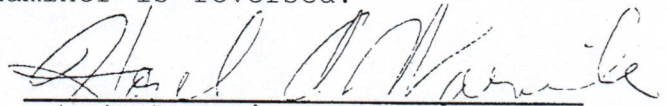
In this case, the claimant left her part time job in order to take advantage of free training offered by her full time employer (for whom she was still working at the time she quit Citicorp) that would increase her opportunities for full time work, once the full time job ended.

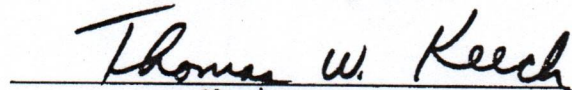
The part time job did not actually interfere with the claimant's full time job itself. Therefore, the Board agrees that the claimant did not have good cause for quitting. However, since it did interfere with a substantial benefit offered by her full time employer, and one that would greatly increase her ability to obtain full time work, the Board finds that the claimant left her job with Citicorp for a substantial cause, connected with the conditions of employment and therefore valid circumstances are present, within the meaning of LE, §8-1001(c) (1)(i). The Board notes that under this section of the law, a finding that the claimant had no reasonable alternative is not required.

DECISION

The claimant left work voluntarily, without good cause, but for valid circumstances, within the meaning of §8-1001 of the Labor and Employment Article. She is disqualified from receiving benefits from the week beginning March 7, 1993 and the nine weeks immediately following.

The decision of the Hearing Examiner is reversed.


Harold A. Kowale
Associate Member


Thomas W. Keech
Chairman

HW:K

kbm

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST



Maryland

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Louis Wm. Steinwedel, Chief Hearing Examiner

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— D E C I S I O N —

Claimant:	Elsie M. Wilson	Date:	Mailed: 05/1393
		Appeal No.:	9307980
		S. S. No.:	
Employer:	Citicorp Financial, Inc. ATTN: Employee Services	L.O. No.:	045
		Appellant:	CLAIMANT
Issue:	Whether the claimant left work voluntarily, without good cause, within the meaning of the Code of MD, Labor and Employment Article, Title 8, Section 1001.		

— 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 OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, OR WITH THE BOARD OF APPEALS, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES ON May 28, 1993
NOTE: APPEALS FILED BY MAIL, INCLUDING SELF-METERED MAIL ARE CONSIDERED FILED ON THE DATE OF THE U.S. POSTAL SERVICE POSTMARK

— A P P E A R A N C E S —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Claimant/Present

Not Present or
Represented

FINDINGS OF FACT

The claimant worked for the employer from October 13, 1992 through March 9, 1993. At the time of her separation from employment, the claimant worked fifteen hours per week in the employer's

telemarketing unit. She earned \$6.25 per hour. The claimant voluntarily quit her employment. Shortly before she quit her employment with Citicorp, the claimant found out that she was to be laid off after having worked many years full time with another employer. That other full-time employer gave the claimant the opportunity to take three weeks worth of training classes during the evening in order to help the claimant renew her insurance license. The claimant decided to take advantage of this opportunity, because if she did not, she would have had to pay for the courses from another source. The training classes interfered with the claimant's part-time job with Citicorp. The claimant was under a lot of stress and thought that the best decision for her was to quit her part-time job in order to take the three weeks of training with her full-time employer before her full-time employment ended. However, she did not ask Citicorp whether she could have three weeks off or whether her schedule could be arranged before quitting. She simply felt that she had to quit.

CONCLUSIONS OF LAW

The Code of Maryland, Labor and Employment Article, Title 8, Section 1001 provides for a complete disqualification from benefits where a claimant voluntarily quits employment without good cause arising from or connected with the conditions of employment or actions of the employer. The same Section of the Law provides for a limited disqualification from benefits when a claimant voluntarily quits due to "valid circumstances," meaning (1) a substantial cause connected with the employment or or (2) a reason a necessitous or compelling nature that the claimant had no other alternative other than to quit the employment. Under Section 1001 of the Law, a claimant is also automatically disqualified from benefits if the claimant quits in order to attend school or any educational institution.

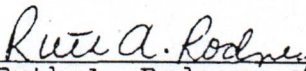
In this case, the claimant voluntarily quit her job without first determining whether she could rearrange her schedule or have a short leave of absence. She essentially quit so that she could attend training classes without having any-interference from her part-time job with Citicorp. Whether this case is analyzed as a quit to attend school [training classes are within the definition of school under the unemployment insurance law] or whether this case is analyzed as a voluntary quit under other circumstances, the claimant did not have good cause or valid circumstances for voluntarily leaving her job. She was about to leave her full-time job, so it makes no sense that she would quit her only other job without first checking to see if she could preserve that job while she attended the training classes she wants to attend. I am sure

that the claimant felt very tense and very stressed after loosing her full-time job of many years. However, she had reasonable alternatives other than quitting her job with Citicorp.

DECISION

It is held that the claimant voluntarily her employment without good cause or valid circumstances within the meaning of the Code of Maryland, Labor and Employment Article, Title 8, Section 1001. Benefits are denied for the week beginning March 7, 1993, and until the claimant becomes re-employed, earns at least fifteen times her weekly benefit amount in covered employment and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is affirmed.


Ruth A. Rodney
Hearing Examiner

Date of hearing: 05/11/93
kc/Specialist ID: 45541
Sequence No. 01
(Cassette Attached to File)

Copies mailed on 05/13/93 to:

Claimant
Employer
Unemployment Insurance - Northwest (MABS)