



DEPARTMENT OF EMPLOYMENT AND TRAINING

**BOARD OF APPEALS
1100 NORTH EUTAW STREET
BALTIMORE, MARYLAND 21201**

383-5032

—DECISION—

THOMAS W. KEECH
Chairman

**HAZEL A. WARNICK
MAURICE E. DILL**
Associate Members

SEVERN E. LANIER
Appeals Counsel

**STATE OF MARYLAND
HARRY HUGHES**
Governor

DECISION NO.: 2270-BR-83

DATE: December 21, 1983

CLAIMANT: Joseph M. Kosinski

APPEAL NO.: 11446

S.S. NO.:

EMPLOYER: Western Southern Life Insurance. Co. No.:
ATTN: Avery Penn, District Mgr.

40

APPELLANT: CLAIMANT

ISSUE: Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of §6(a) of the law.

NOTICE OF RIGHT OF APPEAL TO 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, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT

January 20, 1984

—APPEARANCE—

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals affirms the decision of the Appeals Referee.

The claimant resigned his position because he was working six days a week, over 12 hours per day and was making little money, because he had failed the necessary test to keep his license and because he was required to participate in practices contrary to the Insurance Code.

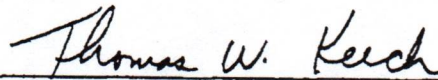
The evidence shows that the claimant grossed approximately \$160 per week for 72 hours of work, that he had 2 chances left to take the test before his license would be lost and that practices contrary to the Insurance Code were required of him.

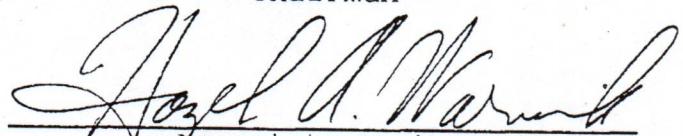
Since the claimant was working for approximately \$2.22 per hour, before expenses, and since he would have been participating in unlawful practices were he to continue in employment, the Board concludes that the claimant had good cause for leaving his employment, within the meaning of §6(a) of the law.

DECISION

The claimant's unemployment was due to leaving work voluntarily, with good cause, within the meaning of §6(a) of the law. No disqualification is imposed based upon his separation from employment with Western Southern Life Insurance Company. The claimant may contact the local office concerning the other eligibility requirements of the law.

The decision of the Appeals Referee is reversed.


Chairman


Associate Member

K:W
kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT



DEPARTMENT OF HUMAN RESOURCES
 EMPLOYMENT SECURITY ADMINISTRATION
 1100 NORTH EUTAW STREET
 BALTIMORE, MARYLAND 21201
 383 - 5040

BOARD OF APPEALS
 THOMAS W. KEECH
 Chairman

MAURICE E. DILL
 HAZEL A. WARNICK
 Associate Members

SEVERN E. LANIER
 Appeals Counsel

MARK R. WOLF
 Administrative
 Hearings Examiner

STATE OF MARYLAND
 HARRY HUGHES
 Governor
 KALMAN R. HETTLEMAN
 Secretary

- DECISION -

CLAIMANT: Joseph M. Kosinski

DATE: Nov. 3, 1983

APPEAL NO.: 11446

S. S. NO.:

EMPLOYER: Western Southern Life Insurance CO.

L. O. NO.: 40

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 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

November 18, 1983

-APPEARANCES-

FOR THE CLAIMANT:

FOR THE EMPLOYER:

Joseph M. Kosinski, Present

Avery Penn,
 District Sales
 Manager

FINDINGS OF FACT

The claimant began employment May 2, 1983 as a Sales Agent at a salary of \$175 weekly. The claimant's last day of employment was August 23, 1983.

The claimant discovered that his accounts were coming up shorts with the exception of one week. The claimant discovered that one account was short \$300.30 August 15, 1983, with the account being payable in July. Another \$200 shortage was discovered sometime in June, 1983. These arrearages later diminished somewhat after discovery by the claimant. The claimant gave two weeks' notice about his termination on August 1, 1983 and told his supervisor, that August 15 would be the last day that he would work. The claimant felt he was treated unfairly. The claimant also had varied expenses from time to time. Over a period of time, the claimant's expenses totaled \$3,116.99, whereas he only had income of \$2,745.69. The claimant pointed out that he quit because he was not making any money and he did not like the rules and regulations put forth by Western Southern Life which he was obligated to follow. The claimant was unhappy with his supervisor and was not able to sell his clients insurance, though possessing an ability to service the account and collect premiums. The claimant is now employed at the Westley Nursing Home on Rogers Avenue in Baltimore, Maryland.

CONCLUSIONS OF LAW

The preponderance of the credible evidence demonstrates that the claimant formulated the requisite intent to separate from the employment voluntarily, without good cause attributable to the actions of the employer or the conditions of the employment within the meaning of Article 95A, Section 6(a) of the Maryland Unemployment Insurance Law.

In the instant case, the requisite intent to separate from the employment voluntarily is shown because the claimant was not making any profit from the accounts he serviced. That intent to separate from his employment is further manifested because the claimant only performed one-half of his job function, inasmuch as he collected the accounts, however, he was not able to sell the insurance policies to his prospective clientele within his debit territory.

DECISION

The unemployment of the claimant was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. He is disqualified from receiving benefits from the week beginning August 21, 1983 and for the four weeks immediately following, ending September 24, 1983.

The determination of the Claims Examiner is affirmed.

Willie E. Walker
Willie E. Walker *ey*
APPEALS REFEREE *ey*

Date of hearing: October 14, 1983

Cassette: 7143

hf (Williams)

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Claimant
Employer
Unemployment Insurance-Eastpoint