



# Maryland

Department of Economic &  
Employment Development

*William Donald Schaefer, Governor*  
*J. Randall Evans, Secretary*

*Board of Appeals*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*  
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*Board of Appeals*  
*Thomas W. Keech, Chairman*  
*Hazel A. Warnick, Associate Member*  
*Donna P. Watts, Associate Member*

— DECISION —

	Decision No.:	713-BR-91
	Date:	June 14, 1991
Claimant: Stephen F. Evans	Appeal No.:	9104365
	S. S. No.:	
Employer: Good News Salisbury, Inc. c/o ADP	S. S. No.:	12
	Appellant:	CLAIMANT
Issue:	Whether the claimant's unemployment was due to leaving work voluntarily, without good cause, within the meaning of Section 6(a) of the law.	

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— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAYBE 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 July 14, 1991

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— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

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

The Board agrees with the Hearing Examiner that this case is a voluntary quit case under Section 6(a) of the law, rather than a refusal of suitable work under Section 6(d) of the law. A refusal of a transfer or demotion is considered as a quit under Section 6(a) of the Law. Kramp v. Baltimore Gas and Electric (1051-BR-82), Marion v. Dr. David Chiron (1106-BH-82).

Where the transfer is a demotion, the quit may be found to be for good cause, Marion v. Dr. David Chiron, supra, unless the demotion is due to the employee's incompetence, Krach v. WaWa Market (816-BH-84) or detrimental conduct. Dew v. Plumbers and Pipefitters National Pension Fund (969-BR-8).

In this case, the demotion was solely for economic reasons. The position which a higher manager held was abolished, and that person took the claimant's job.

The demotion also was a substantial detrimental change in the conditions of employment. The claimant would have been demoted from a position as manager to a position as parts clerk, and his salary (and commission) would have been reduced from \$30,800 to \$25,000.

And the demotion would have lasted for an indefinite period of time. The Board's factual finding on this issue is contrary to the Hearing Examiner's finding, which was that the demotion was temporary. The employer's evidence was that the demotion would last until the company "got back to where we were a couple of years ago," if it ever did. This is not a temporary demotion.

Since the demotion was of an indefinite duration, and since it involved a substantial decrease in responsibilities and a substantial decrease in pay, it constitutes good cause, for the claimant leaving.

#### DECISION

The claimant did not refuse suitable work within the meaning of Section 6(d) of the Maryland Unemployment Insurance Law. The claimant left work voluntarily, but for good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. No disqualification is imposed based upon the claimant's separation from employment with Good News Salisbury, Inc. The claimant may contact his local office concerning the other eligibility requirements of the law.

The decision of the Hearing Examiner is reversed.

*Thomas W. Keech*

Chairman

*Donna P. Watts*

Associate Member

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - SALISBURY



 **Maryland**  
Department of Economic &  
Employment Development

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— D E C I S I O N —

Claimant:	Stephen F. Evans	Date:	Mailed: 4/18/91
		Appeal No.:	9104365
		S. S. No.:	
Employer:	Good News Salisbury, Inc.	LO. No.:	12
		Appellant:	Employer

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.  
Whether the claimant failed, without good cause to apply for or to accept available, suitable work, within the meaning of Section b(d) or the Law.

— NOTICE OF RIGHT OF FURTHER APPEAL —

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A FURTHER APPEAL AND SUCH APPEAL MAY BE FILED IN ANY OFFICE OF THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT, 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 FURTHER APPEAL EXPIRES AT MIDNIGHT ON

5/3/91

— A P P E A R A N C E S —

FOR THE CLAIMANT:

Claimant-Present

FOR THE EMPLOYER:

Curtis Pusey,  
ADP  
Dennis Bradford,  
Service and Parts  
Director

FINDINGS OF FACT

The claimant was employed in various positions during his seven years with the company.

He was a manager in the Service and Parts department when he was asked to take a temporary demotion and cut in salary due to general economic problems. He refused.

CONCLUSIONS OF LAW


Under the circumstances in this case, the issue is resolved under Section 6(a) rather than 6(d).

Article 95A, Section 6(a) provides that an individual shall be disqualified from benefits where his unemployment is due to leaving work voluntarily, without good cause arising from or connected with the conditions of employment or actions of the employer. The facts established in the instant case do not demonstrate such good cause under the Law. However, Section 6(a) provides that a reduced disqualification may be imposed where the separation is precipitated by (1) a substantial cause connected with the conditions of employment or (2) another cause of such a necessitous or compelling nature that the claimant had no reasonable alternative but to leave the employment. The facts in this case demonstrate such valid circumstances, and therefore, a reduced disqualification is appropriate.

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. Benefits are denied for the week beginning February 7, 1991 and the four weeks immediately following.

The determination of the Claims Examiner is modified.

  
Van D. Caldwell  
Hearing Examiner

Date of hearing: 4/11/91  
rc/Specialist ID: 12617  
Cassette Number (3785)  
Copies mailed on 4/18/91 to:

Claimant  
Employer  
Unemployment Insurance - Salisbury - MABS