



STATE OF MARYLAND  
 HARRY HUGHES  
 Governor

DEPARTMENT OF HUMAN RESOURCES  
 EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET  
 BALTIMORE, MARYLAND 21201

383-5032  
 - DECISION -

BOARD OF APPEALS

JOHN J. KENT  
 Chairman

HENRY G. SPECTOR  
 HAZEL A. WARNICK  
 Associate Members

SEVERN E. LANIER  
 Appeals Counsel

CLAIMANT: Greta Sheckles

DECISION NO: 790-81

DATE: 8/21/81

APPEAL NO.: 12172

S.S.NO.:

EMPLOYER: Executive Commissary, Ltd.

L.O NO: 1

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.

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 PERSO OR THROUGH AN ATTORNEY IN THE SUPERIOR 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

September 20, 1981

- APPEARANCES -

FOR THE CLAIMANT:

Greta Sheckles - Claimant

FOR THE EMPLOYER:

Ann Chanin --  
 Vice President  
 Gloria Jackson -  
 Administrator  
 John Chanin -  
 President  
 Lucy Popish -  
 Key punch Operator

EVALUATION OF THE EVIDENCE

The Board has considered all of the evidence in this case, including the testimony of Greta Sheckles, John Chanin, Ann Chanin, Gloria Jackson and Lucy Popish. The Board has also considered all of the documentary evidence introduced in this case, as well as Employment Security Administration documents in the appeals file.

The Claimant testified that she quit her employment after being berated loudly for over an hour for an innocent mistake. According to the Claimant, the Employer continued standing over her, shouting the words "stupid goddam idiot" and "imbecile" virtually the entire time. The Claimant testified that the mistake she had made was not unusual and was not deliberate.

The Employer contends that the Claimant deliberately made mistakes in order to provoke the president of the company to lose his temper so that the Claimant could quit and collect unemployment insurance benefits. The Employer's witnesses established that the Claimant was making a mistake, but the evidence is far from convincing that the Claimant made a deliberate mistake. In addition, the Employer's own witnesses corroborated the Claimant's statement that the president was loudly berating Claimant for a long period of time. This testimony directly contradicted the previous statement of the president, recorded on the Employment Security Administration's Form 221/222, that he had only "yelled at" Claimant for about two minutes.

FINDINGS OF FACT

The Claimant was employed by the Executive Commissary, Limited for nine years. Her last pay rate was \$4.25 an hour. Her position was as a telephone sales solicitor. Her last day of work was December 9, 1980, when she quit her job.

Claimant made some mistakes concerning updating the computerized sheets she worked with, but these mistakes were not deliberate.

The president of the company loudly berated the Claimant for over an hour in insulting language.

This language was used openly in the office in circumstances in which other employees would normally be able to hear it.

After this tirade had continued for over one hour, the Claimant walked off the job.



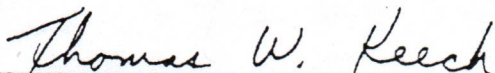
CONCLUSIONS OF LAW

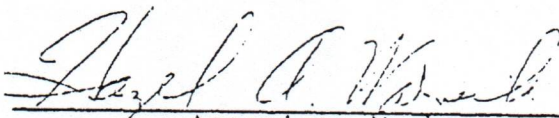
The Claimant's walking off of her job was a voluntary quit, with good cause attributable to her Employer, within the meaning of section 6(a) of the Maryland Unemployment Insurance Law. The use of degrading and insulting language directed at the Claimant in a loud tone of voice for over an hour, in circumstances where other employees would be able to hear it, constitutes good cause.

DECISION

The Claimant voluntarily quit her employment with good cause, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is entitled to benefits beginning December 7, 1980, if she is otherwise eligible under the Law.

The decision of the Appeals Referee is reversed.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Associate Member

dh  
K:W

DATE OF HEARING: July 23, 1981

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CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - BALTIMORE