



**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.: 85-BR-84

DATE: January 24, 1984

CLAIMANT: John M. Helsel

APPEAL NO.: 11350

S.S. NO.

EMPLOYER: Johnson Shell , Inc .

L.O. NO.: 50

APPELLANT: CLAIMANT

ISSUE: Whether the claimant was discharged for gross misconduct or misconduct , connected with the work, within the meaning of §6(b) or §6(c) 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 LAW OF MARYLAND. THE APPEAL MAY BE TA PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, OR THE CIRCUIT CouRT OF THE COL MARYLAND IN WHICH YOU RESIDE

**THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT**

**February 23, 1984**

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**- APPEARANCE -**

FOR THE CLAIMANT:

FOR THE EMPLOYER:

**REVIEW ON THE RECORD**

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

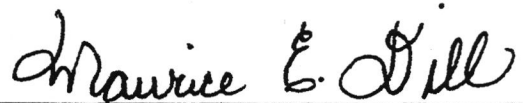
The employer was selling the business and the claimant was informed that , as a result, he would have been laid off effective June 1, 1983. The claimant however, left work with the employer on May 6, 1983 to apply for available work in the State of Florida. The claimant became ill when he arrived in Florida, and when he recovered, the work was no longer available. As a result, the claimant was rendered unemployed.

The claimant's unemployment is not due to leaving work voluntarily within the meaning of §6(a) of the law. He is unemployed because he was laid off by the employer, although the claimant accelerated the date of his departure. He is unemployed "through no fault of his own", and benefits will be allowed.

DECISION

The claimant was discharged but not for misconduct or gross misconduct connected with the work, within the meaning of §6(b) or §6(c) of the Maryland Unemployment Insurance Law. Benefits are allowed from the week beginning July 24, 1983.

The decision of the Appeals Referee is reversed.



Associate Member



Associate Member

D:W

kmb

COPIES MAILED TO:

CLAIMANT

EMPLOYER

Johnson Shell, Inc.

OUT-OF-STATE CLAIMS



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

STATE OF MARYLAND  
 HARRY HUGHES  
 Governor  
 KALMAN R. HETTLEMAN  
 Secretary

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

- DECISION -

CLAIMANT: John M. Helsel  
 DATE: Nov. 18, 1983  
 APPEAL NO.: 11350  
 S. S. NO.:  
 EMPLOYER: Johnson Shell, Incorporated  
 L.O.NO.: 50  
 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 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 December 5, 1983

-APPEARANCES-

FOR THE CLAIMANT:

John M. Helsel - Claimant  
 (Present for Telephonic Hearing on  
 November 4, 1983 - Florida)

FOR THE EMPLOYER:

Gene Johnson -  
 President  
 (Present for Telephonic  
 Hearing on November 4, 1983  
 - Florida)

FINDINGS OF FACT

The claimant began employment in June 1960 elevating himself to shift manager, earning a salary of \$250 weekly. The claimant's last day of work in this employment was in May 1983.

The claimant was told by another employee that the station at which he worked would be sold. The claimant then left the employment at the station. The claimant stated that he had a job in Florida and the station was sold on June 1, 1983. There was work available to the claimant between May 6, 1983 and June 1, 1983, had he chosen to remain and work at that station.

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 employment, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law.

In the instant case, the requisite intent to separate from the employment voluntarily, without good cause, is shown because the claimant terminated his employment in early May 1983 though work was available for the claimant up until June 1, 1983, when the station was then sold.

There are no serious, valid circumstances present to warrant the imposition of less than the maximum disqualification allowed by Law.

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 for the week beginning May 1, 1983 and until the claimant becomes reemployed and earns at least ten times his weekly benefit amount (\$1520) and thereafter becomes unemployed through no fault of his own.

The determination of the Claims Examiner is affirmed.

  
Willie E. Walker  
APPEALS REFEREE

DATE OF HEARING: November 4, 1983

ras

(8351 -- Griffin)

copies mailed to:

Claimant

Employer

Out of State Claims

Johnson Shell, Incorporated