

 **Maryland**  
Department of Economic &  
Employment Development

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

*Board of Appeals*  
*1100 North Eutaw Street*  
*Baltimore, Maryland 21201*  
*Telephone: (301) 333-5032*

*Board of Appeals*  
*Thomas W. Keech, Chairman*  
*Hazel A. Warnick, Associate Member*  
*Donna P. Watts, Associate Member*

**— DECISION —**

	Decision No.:	1027 -BR-89
	Date:	Nov. 22, 1989
Claimant: Iva Greenway	Appeal No.:	8911236
	S. S. No.:	
Employer: Katzenberg Brothers, Inc. ATTN: Steven Katzenberg, V.P.	L.O. No.:	45
	Appellant:	CLAIMANT
Issue:	Whether the claimant left 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 MAY BE 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.

December 22, 1989

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT ON

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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 modifies the decision of the Hearing Examiner and concludes that the claimant's reason for quitting, while not good cause,

does constitute a valid circumstance, warranting less than the maximum disqualification under Section 6(a) of the law.

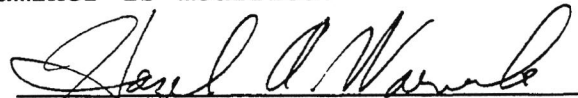
The claimant's abandonment of her job was due to urgent and compelling personal circumstances. One of her grandchildren had died under suspicious circumstances. The claimant was both distraught over the death and concerned about the safety of her other two grandchildren. She believed that she was the only person in a position to make plans with the Department of Social Services to safeguard her other grandchildren, as well as make sure that her deceased grandchild got a proper burial and that her death was investigated by the authorities. When her extreme distress is added to these responsibilities, her failure to contact her employer and return to work is understandable.

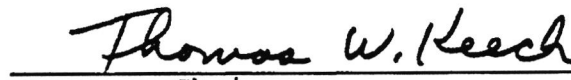
The Board concludes that the above circumstances meet the standard of a cause of such a compelling nature, that the claimant had no reasonable alternative other than to leave her employment. Therefore, valid circumstances are present and a minimum disqualification is appropriate.

#### DECISION

The claimant left work voluntarily, without good cause but for valid circumstances, within the meaning of Section 6(a) of the Maryland Unemployment Insurance Law. She is disqualified from receiving benefits from the week beginning July 23, 1989 and the four weeks immediately following.

The decision of the Hearing Examiner is modified.

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

  
\_\_\_\_\_  
Chairman

HW:K

kbm

COPIES MAILED TO:

CLAIMANT

EMPLOYER

UNEMPLOYMENT INSURANCE - NORTHWEST

 **Maryland**  
**Department of Economic &  
Employment Development**

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

1100 North Eutaw Street  
Baltimore, Maryland  
21201

(301) 333-5040

**— DECISION —**

Claimant:	Iva Grenway	Date:	Mailed: October 6, 1989
		Decision No.:	8911236
		S. S. No.:	
Employer:	Katzenberg Brothers, Inc.	L.O. No.:	45
		Appellant:	Employer

Issue: Whether the claimant was discharged for misconduct connected with the work, within the meaning of Section 6(c) of the Law. 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.

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**- 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 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 10/23/89

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**— APPEARANCES —**

FOR THE CLAIMANT:

Iva Grenway - Present

FOR THE EMPLOYER:

Steven Katzenberg,  
Vice President

**FINDINGS OF FACT**

The claimant had been employed by Katzenberg Brothers, Inc. from June 20, 1989 to July 27, 1989 as a trimmer.

The claimant, on July 28, 1989 got off from the employer at approximately 12:00 noon and told an employee that she would not be at work due to a death in her family. The claimant's grand daughter had passed away. After July 28, 1989, the claimant did not contact her employer until September 21, 1989, when the

claimant inquired about returning to work. The claimant had been informed by her employer on September 21, 1989 that the claimant's position had been filled. After July 28, 1989, the claimant did not contact her employer by telephone because she was distraught due to her grand daughter's death and because of two other grandchildren that were in an unhealthy and dangerous environment. The claimant had gone to the Department of Social Services to have her two grandchildren removed from a dangerous environment.

#### CONCLUSIONS OF LAW

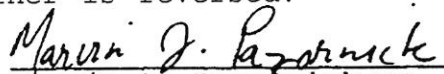
After July 27, 1989, the claimant failed to return to work at Katzenberg Brothers. On July 28, 1989, the claimant telephoned her employer to inform them that she would not be reporting to work due to a death in the family. After July 28, 1989, the claimant did not contact her employer until September 21, 1989. The claimant's conduct by failing to keep the employer aware of her whereabouts after July 28, 1989 and until September 21, 1989 constitutes a voluntary quit, without good cause, within the meaning of Section 6(a) of the Law.

There exist no valid circumstances present to warrant less than the maximum penalty allowed by Law. The claimant has failed to keep her employer aware of her whereabouts after July 28, 1989.

#### 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 from the week beginning July 23, 1989 and until the claimant becomes re-employed and earns at least ten times his weekly benefits amount (\$550) and thereafter becomes unemployed through no fault of her own.

The determination of the Claims Examiner is reversed.

  
Marvin I. Pazornick *cc*  
Hearing Examiner

Date of hearing: 10/4/89  
kac/Specialised ID: 45557/8308  
Copies mailed on October 6, 1989 to:

Claimant  
Employer  
Unemployment insurance - Northwest (MABS)